

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF WISCONSIN

SHAWN PILEY, Plaintiff,
-vs-

Case No.

20-0-1252

DISTRICT COURT
EASTERN DISTRICT - WI
FILED

UNLINDA WATERMAN
SANDRA MCARDLE,
WARDEN BOUGHTON,
DOCTOR MILLER,
J. KAPALLE, LORI ALSUM,
W. BROWN, J. PAYNE,
P. HAEGER, A. BROADBENT,
SPECIAL NEEDS COMMITTEE
MEMBERS,
Defendants.

Civil Rights Complaint
pursuant to 42 U.S.C. § 1983, et seq.
42 U.S.C. § 1983, et seq.

Urgent Demand

NOW COMES SHAWN PILEY, Plaintiff, pro se
(hereinafter Piley), with this instant complaint pursuant
to 42 U.S.C. § 1983, et seq., against the named
Defendants with Federal claims as raised herein, &
respectfully shows this Honorable Court as follows:

PARTIES

1. SHAWN PILEY, is the Plaintiff in this action, is a
United States citizen & adult resident of the state
of Wisconsin, who was at all times relevant to the events
as described within this action, a prisoner at the Wisconsin
Secure Program Facility (WSPF), 1101 Morrison Drive, Post
Office Box 1000, Potosi, WI 53805; & who is
now a prisoner at Green Bay Correctional Institution,
2833 Riverside Drive, Post Office Box 19033,
Green Bay, WI 54307-9033.

2. Unlinda Waterman (Waterman), is a defendant in
this action, is a United States citizen & adult resident of

Wisconsin, who was at all times relevant to the events as described within this action, an employee of the Wisconsin Department of Corrections (WDOC), as a Health Service Manager (HSM) & also as a member of the Special Needs Committee (SNC) at WSPF, 1101 Morrison Drive, Post Office Box 1000, Escobedo, WI 53805. This instant defendant is sued in her official & individual capacities.

3. Sandra McArdle (McArdle), is a defendant in this action, is a United States citizen & adult resident of the state of Wisconsin, who was at all times relevant to the events as described within this action, an employee of the WDOC, as a Nurse Practitioner (NP), at WSPF, 1101 Morrison Drive, Post Office Box 1000, Escobedo, WI 53805. This instant defendant is sued in her official & individual capacities.

4. Warden Boughton (Boughton), is a defendant in this action, is a United States citizen & adult resident of the state of Wisconsin, who was at all times relevant to the events as described within this action, an employee of the WDOC, as the Warden at WSPF, 1101 Morrison Drive, Post Office Box 1000, Escobedo, WI 53805. This instant defendant is sued in his official & individual capacities.

5. Doctor Miller (Miller), is a defendant in this action, is a United States citizen & adult resident of the state of Wisconsin, who was at all times relevant to the events as described within this action, an employee of the WDOC,

as the Doctor at WSPF, 1101 Morrison Drive, Post Office Box 1000, Boscorbel, WI 53805. This instant defendant is sued in his official & individual capacities.

10. J. Labelle (Labelle), is a defendant in this action, is a United States citizen & adult resident of the state of Wisconsin, who was at all times relevant to the events as described within this action, an employee of the WDOC, as a Nursing Coordinator at the Department of Adult Institutions Offices (DAI), Post Office Box 7925, Madison, WI 53707-7925. This instant defendant is sued in her official & individual capacities.

7. Lori Alsum (Alsum), is a defendant in this action, is a United States citizen & adult resident of the state of Wisconsin, who was at all times relevant to the events as described within this action, an employee of the WDOC, as a Nursing Coordinator at the DAI offices, Post Office Box 7925, Madison, WI 53707-7925. This defendant is sued in her official & individual capacities.

8. W. Brown (Brown), is a defendant in this action, is a United States citizen & adult resident of the state of Wisconsin, who was at all times relevant to the events as described within this action, an employee of the WDOC, as an inmate complaint examiner at WSPF, 1101 Morrison Drive, Post Office Box 1000, Boscorbel, WI 53805. This instant defendant is sued in his official & individual capacities.

9. J. Payne (Payne), is a defendant in this action, is

a United States citizen & adult resident of the state of Wisconsin, who was at all times relevant to the events as described within this action, an employee of the WDC, as an inmate complaint examiner at WSPF, 1101 Morrison Drive, Post Office Box 1000, Escobedo, WI 53805. This instant defendant is sued in his/her official & individual capacities.

10. P. Jaeger (Jaeger), is a defendant in this action, is a United States citizen & adult resident of the state of Wisconsin, who was at all times relevant to the events as described within this action, an employee of the WDC, as the /a Warden at WSPF, 1101 Morrison Drive, Post Office Box 1000, Escobedo, WI 53805. This instant defendant is sued in his/her official & individual capacities.

11. A. Broadbent (Broadbent), is a defendant in this action, is a United States citizen & adult resident of the state of Wisconsin, who was at all times relevant to the events as described within this action, an employee of the WDC, as a Unit Manager (UM) & also as a Prison Rape Elimination Act (PREA) investigator at WSPF, 1101 Morrison Drive, Post Office Box 1000, Escobedo, WI 53805. This instant defendant is sued in his official & individual capacities.

12. All SNC members are defendants in this action, are United States citizens & adult residents of the state of Wisconsin, who were at all times relevant to the events as described within this action, employees of the WDC, as SNC members at WSPF, 1101 Morrison Drive, Post Office Box 1000, Escobedo, WI 53805. These instant defendants are sued in their official & individual capacities.

STATEMENT OF RELEVANT FACTS

13. On May 15, 2016, Plaintiff Piley submitted a Health Service Request (HSR) to the Health Service Unit (HSU), seeking treatment for severe pain in his feet, ankles, knees & leg muscles. Piley informed HSU that he knew some of the pain was being caused by Piley's preexisting life-long leg deformity of being Duck-footed, viz., having an aversion of the feet, causing malalignment of Piley's leg joints (ankles, knees & hips). Piley further explained to HSU that the once familiar pains from his being Duck-footed had rapidly become worse & was now compounded by other conditions & complications that had arose during Piley's then recently concluded 4 1/2 (four & one half) (Straight), Disciplinary Segregation (Seg) /

Administrative Confinement (AC) stint where Piley had been isolated & not only unable to exercise as he would have been able to in General Population (GP) but Piley was also deterred from exercising as far as he was capable on said status due to the ill-adverse effects of Piley's prolonged punitive status. Piley elaborated to HSU that the newly compounding conditions & complications were also related to Piley's continuous engagement in sports for the past 25 (twenty-five) years of his then 35 (thirty-five) year old life, on concrete surfaces. Piley's position was based on the fact that once common standing, walking & running on hard surfaces, now caused Piley severe, debilitating pain. In addition, in being imprisoned, Piley is compelled to occupy, mobilize & engage on concrete & steel surfaces.

14. On July 26, 2016, Piley was seen & evaluated by

NP Cynthia D. Griffin (Griffin) via telemed regarding Eley's May 10th request concerning pain. Eley explained to Griffin that the pains from his life long deformity of being Duck-footed had become chronic & were now compounded by frequent sensations of cramping spasms in his feet & calves, which caused Eley to awake from sleep, & prevented Eley from being able to mobilize or fully extend his legs, or return back to sleep. Eley informed Griffin that the chronic pain & spasms were severely painful & disruptive to his once (daily) routine activities, & that the spasms usually lasted 20-25 minutes. Griffin prescribed pain medication in the form of Ibuprofen at 800 mg, 3-times per day for 14 days; Physical Therapy (PT) with WSP's Physician; a bilateral compression brace for both knees & instructions for a "home exercise" PT regimen for Eley to perform daily.

15. From August 4, 2016 to December 15, 2016, Eley was forced to submit several requests to HCU, grieving about his conditions becoming worse, & continuously pleading for care in placing HCU on NOTICE that he had not received the PT that had been ordered/prescribed by Griffin. During said time, Eley also provided to HCU that his conditions & complications were preventing him from being able to do once routine things such as standing, walking or running in certain manners, especially for long periods of time. Other activities that were prevented as well were the performance of Eley's 5 (five) obligatory daily prayers as a Muslim. In addition,

Piley placed HCU on NOTICE that the medication, home exercises & knee braces were ineffective towards addressing/mitigating or correcting Piley's serious medical needs. Over the course of grieving, complaining & placing HCU on NOTICE, Piley was provided a temporary restriction for an extra pillow for what HCU knew to be for long-term serious medical needs; this shows HCU's disregard for the 'standard of care'. The pillow restriction had no bearing at all towards helping/treating Piley's serious medical needs.

16. Where Piley's conditions & complications worsened with Piley being denied adequate & effective care, naturally, Piley continuously submitted requests to HCU, grieving & requesting adequate/effective care before HCU finally referred Piley to an offsite (independent from WSPF/HCU) Specialist due to their inability to determine what Piley's conditions & complications were, & for Piley to receive the necessary care that would address & correct Piley's serious medical needs.

17. On March 24, 2017, Piley was finally seen & evaluated by Fast Specialist, Dr. Michael Jacobs (Jacobs), DPM, at Granderson Pascabel Area Hospital & Clinics (Granderson) for said conditions/complications that Piley continuously suffered from daily, in either being denied adequate care or from having received ineffective care for up to an entire year at this point.

18. During Piley's visit with Jacobs, Jacobs confirmed /

diagnosed Eileen's pre-existing life-long leg deformity of being Duck-footed. Jacobs also determined / diagnosed Eileen with having collapsed medial arches in both feet, viz., having flat feet. Jacobs further determined / diagnosed that Eileen had been suffering from Plantar Fasciitis.

19. Jacobs explained to Eileen that Eileen's aversion of the feet (Duck-footed), compelled Eileen's feet outward, causing malalignment of Eileen's hips, knees & feet, causing pain in Eileen's lower extremities, & could affect one's back in the instance of the condition being left untreated or treated improperly. Jacobs further explained to Eileen that Eileen's flat feet prevented the necessary arch support & flexibility that was needed for normal / proper stability in one's feet, & that this distorted Eileen's entire skeletal structure. Jacobs also explained to Eileen that Plantar Fasciitis affected / distorted the pallet of Eileen's feet & caused painful spasms that would become debilitating in being left untreated or treated improperly / ineffectively.

20. Jacobs ordered / prescribed for Eileen to occupy soft shoe inserts in combination with Athletic style tennis shoes that were 'High Top' in nature where the soft inserts would combat the ill-adverse effects of Eileen's Plantar Fasciitis & painful repetitive joint compression of Eileen's malaligned joints; the Athletic style footwear would combat / accommodate Eileen's flat feet & skeletal structure while the High Top nature of the footwear would provide ankle support of Eileen's malaligned joints. This would be a temporary approach made by Jacobs before any other action would be taken at a scheduled follow up.

21. Upon returning back to WSPF, Piley would occupy the soft inserts but they were completely ineffective in being occupied in general footwear; because unlike the inserts, which were dispensed at/by Jacobs office (which was a medical apparatus being occupied by Piley from an outside vendor), free of charge, Piley was to purchase his own medical apparatus in the form of Athletic style tennis shoes that were 'High Top' in nature but would not be able to do so as such footwear was unavailable through the "approved vendors" that inmates were restricted to consuming from within the WDOC, unless one had a medical ORDER restriction to consume elsewhere.

22. Where Piley was unable to access/occupy the Athletic style High Top tennis shoes, Piley remained without adequate/effective care, & Piley continuously grieved to HCU about his conditions worsening in requesting a medical restriction that would allow Piley to access/occupy said medical apparatus from an outside vendor as the approved vendors were for general consumption while Piley's medical needs were specific to him. However, HCU definitely refused to mediate Piley accessing/occupying his ORDERED prescribed care that HCU themselves designated Piley off-site to receive. HCU's habitual disregard for the 'standard of care' left Piley suffering in chronic/severe pain on a daily basis before Piley would next see Jacobs for a follow up.

23. An "approved vendor" is a vendor that the WDOC

was limited its inmates consumption to, supposedly, to minimize the risk of contraband coming into its prisons from unfamiliar sources while contraband continues to be brought into its prisons by its most familiar source - its officers. Thus, undermining the validity & need for said policy, as it was in fact, not reduced or prevented the presence of contraband in the CDC prisons.

24. Piley's continuous effort to access/occupy his ORDERED prescribed medical apparatus was met with defendants Waterman & McArdle dismissing Piley's serious medical needs by fabricating to Piley that he could only occupy footwear from the approved vendors while both knew that general footwear could not effectively accommodate the peculiar conditions of Piley's legs & feet. However, desperate, Piley moved to occupy the "highest" style tennis shoe available at the approved vendors but in receiving them, they were not High Top & they especially were not Athletic in lacking the necessary arch support that was needed to accommodate Piley's leg deformity, flat feet & Plantar Fasciitis adverse effects.

25. On April 1, 2017, shortly after Piley's visit with Jacobs, Piley encountered inmate Eduardo Head (Head) on the housing unit that both inmates were housed on. Head had recognized Piley's last name on Piley's identification tag (which is commonly worn & displayed openly on one's chest for easy access), where Head inquired to Piley if his name was Shawn Piley, & if he had recently gone to an off-site visit with a foot specialist.

After Piley identified himself to Head, Head informed Piley that while he was occupying a medical bike (that was situated down a side corridor from the officer station) in H5U when he was within hearing of Waterman telling a non-medical staff member (a Corrections Officer (C.O.) who frequented the Security post/desk at H5U) that Piley had recently gone to an off-site visit with a foot Specialist who had ORDERED/prescribed for Piley to occupy a personal medical apparatus in the form of Athletic style High Top tennis shoes but that, if Piley thought he was going to have personal shoes, he had another thing coming; viz., that Waterman would do what was within her power/authority, & what was against policy also, to see that Piley would not access/occupy his ORDERED/prescribed footwear that H5U themselves designated Piley off-site to receive; & with Waterman being the HSM, preventing Piley's care would not be difficult at all as Waterman not only oversaw all general service at H5U but Waterman also oversaw all orders/approvals for 'special medical restrictions' being presented to the SNC for review, in being the highest ranking medical member on the Committee. Head volunteered to provide Piley with a declaration regarding Waterman's deliberate violation of Health Insurance Portability & Accountability Act (HIPAA) statutes; which would become actual deliberate indifference, just as Waterman promised.

26. Subsequently, Waterman demonstrated exactly what Head had alleged in his declaration as Waterman's promise began to take shape where she continuously

disregarded Filey's serious medical needs by fabricating that Filey could only access/occupy his prescribed medical footwear from the restricted/approved vendors that served for general consumption, everytime Filey requested to have his ORDER for care to be before the SNC for review; while Waterman was aware that Filey could not access his medical footwear from the general vendors. Further, if Filey was able to, Waterman would have never objected to or refused Jacobs' ORDERED care, nor would she have vented to non-medical staff in verbalizing her intent to be deliberately indifferent towards Filey's serious medical needs; & just as Waterman's promise began to take shape, she would persist in demonstrating her intention to see that Filey had another thing coming if he thought he was going to get personal footwear; all while Waterman was aware that Filey was suffering in pain in remaining without adequate care.

27. On April 14, 2017, Filey executed an inmate complaint against Waterman's misconduct, alleging deliberate indifference & violations of HIPAA statutes. This complaint was dismissed with modification as the Reviewing Authority could not determine credibility between inmate witness Head & HSM Waterman while there was but one way for Head to have known what he had declared, & that was through Head actually having overheard what he had declared in his declaration. However, the Reviewing Authority (RA) did admonish Waterman in asserting, "all HCU staff should exercise great caution about discussing any health related matters in the

presence of non-health staff & other inmates.

28. While anticipating a follow up with Specialist Jacobs, Piley continued to suffer from chronic/severe pain as Piley's conditions worsened in being left untreated. Piley submitted requests regularly to HSU, grieving & requesting access to his prescribed care, only to have defendant McArdle (who had designated Piley off-site due to HSU's (her own) inability to diagnose or treat Piley), persist in care that was not only delayed but it was completely ineffective as well. McArdle persisted in such disregard & recklessness over the Expert's / Specialist's ORDERS while McArdle knew firsthand that she could not address/correct Piley's serious medical needs with any action that she took other than mediating Piley accessing the specific care that Jacobs had ORDERED for Piley to receive.

29. McArdle's deliberate indifference was made clear for the record when McArdle persisted in ineffective measures to order X-rays on Piley's lower extremities while there were no concerns for fractures, & Jacobs had established for the record, Piley's serious medical conditions & needs. However, not only did McArdle persist in ineffective care subsequent to Jacobs' expertise but McArdle fabricated the results of the X-rays as being normal while X-rays on Piley's back revealed Piley's distorted & extremely poor posture, which was the direct result of Piley's conditions having become worse in being left untreated. Piley grieved to HSU about the

relaxation of his conditions/complications, placing HSU on NOTICE that his pains had become chronic/severe & that he had begun to experience needle-poking & burning sensations in his legs & feet. McArdle would evaluate Eiley & diagnose Eiley with having chronic/severe pain in his lower extremities but would still fail to take any rational or effective action towards treating Eiley for serious medical needs that she was aware Eiley had; mediating Eiley accessing/occupying his prescribed medical apparatus was never entertained.

30. On May 5, 2017, Eiley was finally seen for a follow up with Jacobs at Gunderson where Eiley immediately grieved to Jacobs about his conditions becoming worse as they had begun to affect Eiley's back & Eiley had also begun to experience needle-poking & burning sensations in his legs & feet. Jacobs would inquire, "how did the inserts work with the Athletic High-Tops?" Eiley explained WOF & HSU's defiant refusal to allow Eiley access to the medical footwear, & Jacobs would then inquire, "have you worn the inserts in the shoes that you have?" After Eiley answered, "yes", Jacobs inquired, "how did that work?" Eiley informed Jacobs that the soft inserts appeared to work in general footwear but the inserts broke down in ~~right~~ right away & were as useless as wearing them on the concrete pavement. Jacobs informed Eiley, "you're exactly right, you must use the inserts in combination with the appropriate footwear for maximum support, given

your individual medical needs." Further, Jacobs backfled, stated to Eiler, "I don't understand why WSPF would refuse the care that they sent you to me to receive?!" Eiler had no explanation, either.

31. Jacobs evaluated Eiler & documented Eiler's exacerbated complications of having a tight heel cord, collapse of medial arches in both feet & misaligned joints in both legs, before molding Eiler's feet for prescribing Eiler custom orthotics to accommodate the peculiar shape of Eiler's feet. Jacobs again prescribed for Eiler to occupy Athletic style tennis shoes that were High Top in nature, & elaborated, "will help control mid foot to ankle motion & help promote a more neutral gait with less symptoms." Jacobs also ordered a PT assessment with WSPF's Physician for Eiler's lower back pains.

32. Upon returning back to WSPF, McArdle would provide Eiler with an instruction manual for occupying his custom orthotics; these instructions were provided to McArdle by Jacobs. The instructions informed/placed McArdle/PTSU on NOTICE that, "without orthotics, your arches collapse & cause pain & fatigue (thus, where Eiler's arches had already collapsed in both feet, it shows the pain that Eiler had been grappling with, & further, the pain that Eiler would suffer if Eiler was unable to occupy his custom orthotics). Orthotics brace your feet as you walk or run"; "A shoe that is the wrong shape works against the orthotic, you will make your

foot problems worse, not better"; "Wear your orthotics for 3 weeks, if they still cause discomfort or feel high in certain places, they may need correction, schedule an office visit with your foot Doctor to have them adjusted."

33. The Defendants were adamant in their intentions & tactics to assure that Filey, "had another thing coming, if he thought he was going to access/occupy prescribed personal (medical) footwear."

The Defendants exercised their intentions & tactics effectively; leaving Filey without his prescribed footwear while knowing that Filey was not only in pain but that Filey's pain complications would become worse in the instance of Filey being refused/denied access to his prescribed footwear. In addition, the Defendants would begin to take on the tactic of shopping around for a(n) (indifferent) second opinion, even with Specialist Jacobs, himself.

34. Once again, Filey executed an inmate complaint against the deliberate indifference of being denied his prescribed medical footwear that had accommodated Filey before & during his imprisonment.

NOTE: Filey occupied leg braces to accommodate his aversion of the foot as an adolescent; subsequently, Filey occupied Athletic style - High Top Tennis shoes that were usually Air Sole as well. Such footwear combatted repetitive joint compression, were shock absorption

& provided arch & ankle support. The style (high top, mid top or low top) of such footwear depended on the activities that Pileary was engaged in; however, 9 out of 10 times, the footwear was equipped with Air Sole.

Upon being imprisoned, such footwear remained available to Pileary as general consumption until the WDOC restricted its inmates consumption to "approved vendors"; viz., Pileary occupied this style of footwear from 1999 to 2007. At which time Pileary was able to continue to occupy such footwear beyond the inception of the approved vendor policy where such footwear was defined as

"Grandfathered" property. Pileary continued to occupy such footwear until, inevitably, they became too worn to provide adequate support. However, had Pileary elected to continue to possess such footwear, Pileary would have been able to do so up to present date, even without any medical restriction, which reflects the DOC's exaggerated policy.

Pileary's grievance/grievance was simply & defiantly dismissed by defendant LaBelle citing, "A recommendation from an off-site provider is not an ORDER that the DOC is obligated to follow"; which was disturbingly ridiculous in the instance that WSPF/the DOC themselves had designated Pileary off-site to receive care due to their own disabilities, regardless of what that care may consist

of. Further, the WDC would designate Eiley off-site for "care" six more times beyond LaBelle's deliberately indifferent assertion, where separate from two off-site visits related to neurology testing, all other off-site visits resulted in having Jacobs' orders for care upheld/ordered for Eiley to receive as optimal care.

35. On May 23, 2017, as ordered by Jacobs, Eiley was evaluated by WDC's physician, Krueger, concerning back pains. Eiley grieved to Krueger & expressed his fears & concerns that Physical Therapy would be ineffective on his back as Krueger had unsuccessfully treated Eiley with multiple sprints of Physical Therapy for medical needs that worsened subsequent to the PT. Eiley also informed Krueger that his back pains worsened or was especially problematic when Eiley was engaged in common activities such as sitting, standing & walking, & that he was reduced to being unable to carrying out once routine daily activities, most notably the performance of Eiley's 5 obligatory daily prayers as a Muslim. Krueger diagnosed Eiley with postural deficits, decreased strength, range of motion & muscle flexibility, & having pain before prescribing Eiley a Transcutaneous Electrical Nerve Stimulation (TENS) unit to combat Eiley's pains. However, just as Jacobs had ORDERED the medical footwear for Eiley to receive, the Defendants cherry-picked which care that they would mediate &/or follow/allow for Eiley to receive; & of course, in

Hollow formality, the Defendants eagerly & defiantly persisted in reducing & compelling Piley to occupy care that was ineffective & had no bearing at all towards mitigating or correcting Piley's serious medical needs, which was the case with the TENS unit.

36. During the time in between Piley's second & third visit with Jacobs (1st visit subsequent to LaBelle's assertion), defendants Waterman, McArdle & LaBelle, in a "top down approach", defiantly disregarded Piley's serious in assuring Piley that he had another thing coming (if he thought he was going to occupy his prescribed medical footwear), where countless health service requests & inmate complaints were mishandled & denied/ignored in hollow formality for no legitimate reason.

37. Just as the custom orthotics instructions manual warned, Piley suffered severe pain in occupying the custom orthotics in general footwear (the wrong shoes); this made matters worse.

38. On May 25, 2017, Piley submitted a request to McArdle, grieving that the custom orthotics that were supposed to accommodate the peculiar shape/condition of Piley's feet, did not mitigate or correct Piley's conditions; & they in fact, made Piley's conditions worse just as the manual warned. Though Piley suspected wearing the custom orthotics in the wrong shoe would make matters worse,

Filey was compelled to occupy the orthotics in this manner because just as Filey had grieved to HCU against care having been ineffective in the past or likely being ineffective in the future, HCU would eagerly undermine Filey's grieving/suffering by questioning, "Are you refusing treatment?" Such was the case when Filey grieved to McArdle that his man as well wore the custom orthotics on the concrete pavement. Further, Filey grieved to McArdle that his pains had become so severe & stagnate (with regards to being corrected; however, they changed for the worse), that they were mentally & emotionally taxing. Filey requested to have Cortisone shots to combat pains in his feet, legs, right hip & back but HCU never entertained this as a possible form of care towards treating Filey.

39. On June 5, 2017, Filey submitted a health service request to McArdle again, grieving that his custom orthotics were as useless as the trial ones. Filey further grieved that the chronic/severe pains in his feet, legs, right hip & back had persisted & was preventing Filey's once routine daily activities. Filey requested for McArdle to mediate him being able to access/occupy his prescribed medical apparatus at his own expense. McArdle instructed Filey to give the orthotics one month to determine their effectiveness. Filey would be seen by McArdle regarding this request where Filey grieved to

McArdle that in giving the orthotics one month, he must occupy them in combination with the specific medical footwear that Jacobs prescribed & instructed for Piley to occupy them in, & not in the wrong shoe as the orthotics manual warned against. McArdle would then make it clear that SheffHSU would shop around for a difference of opinion when she responded to Piley, "you're not getting any fancy shoes. I'm going to request another Podiatry visit to determine if that's necessary". McArdle's defiant & reckless disregard to refuse/circumvent Jacobs' ordered care instead of allowing Piley to exhaust said care before referral back to an off-site Specialist, shows that McArdle's intentions were just as clear as Waterman's were to assure that Piley had another thing coming if he thought he was going to get his prescribed footwear.

40. Subsequently, as Piley suffered in idle anticipation of another offsite visit with a Specialist, Piley submitted many more requests to McArdle from June 19, 2017 to August 9, 2017, requesting to access & occupy his ordered care in grieving about his worsening conditions, & placing McArdle/HSU on NOTICE that the custom orthotics were not only useless in being forced into the wrong shoes but that they were causing Piley pain in being worn in this manner. Piley also grieved that he had not received his prescribed TENS unit. McArdle, knowing that no care provided by her/HSU could replace Jacobs' ordered care as being more/most effective, ordered for

Piley to see WFF's Dr. Miller in order to have his malaligned joints reset in relation to Piley's problematic complications with having an aversion of the feet. Instead of mediating Piley occupying the most effective care at Piley's own expense.

41. Untreated, on August 1, 2017, Piley submitted a request to McArdle, grieving about his conditions becoming worse. After having been reduced to suffering through the stagnant, tactical & repetitive run-around routine of Piley receiving the other thing that he had coming (in place of the ordered care that he thought he would receive); Piley questioned ASU's desire & ability to provide Piley with adequate/effective care in grieving against the denial of care; most recently, Piley's TENS unit that he had yet to receive, & the then two month delay of Piley seeing an offsite Specialist. McArdle responded to this request, acknowledging, "the Podiatrist or the Orthotics lab, or both are the people who can best address this issue.

42. On August 10, 2017, Piley executed a complaint, grieving against the denial of care in never having received his TENS unit. This complaint detailed McArdle's deliberately indifferent actions of continuously fabricating that she had checked into Piley receiving his unnecessarily delayed TENS unit, only to never do so before Piley was able to confront McArdle in the presence of Knueger (who ordered the TENS unit), during a chance encounter where McArdle fabricated further that she

had spoken to Krueger about the matter. Piley would be denied his prescribed TENS unit for 3 months. Even while Piley continuously grieved to HCU about the denial of his TENS unit, Waterman admitted that this ordered care was unnecessarily delayed & overlooked. Piley's complaint was affirmed, & it shows that Piley's grievance/complaint against the denial of his prescribed footwear should have been affirmed also but Lori Alsum & LaBelle definitely turned a blind-eye to this rationale.

43. Piley also executed a complaint against the 1 1/2 month delay of Piley seeing a foot Specialist. This complaint detailed Piley being unable to occupy his prescribed orthotics & footwear, his conditions worsening, & Piley expressing his anxiety that the 1 1/2 month delay would turn into a 3 1/2 - 4 month delay/denial. While HCU had been instructed to have Piley seen by a foot Specialist if Piley experienced pain or discomfort in occupying the orthotics after 3 weeks. Just as Piley feared, he would continue to suffer in chronic/severe pain in idle wait for 6 months. However, even while this denial of care was just as clear as the denial of Piley's TENS unit, Alsum intentionally overlooked this matter & dismissed Piley's complaint.

44. On August 15, 2017, Piley was evaluated by WSP's very own Chief medical provider, Dr. Miller, & in spite of Waterman & McArdle's efforts to assure that Piley had another thing coming, Miller diagnosed Piley with having an inversion of the feet, causing malalignment in Piley's leg joints; & Plantar fasciitis before

prescribing Piley occupy lower leg splints or boots, Athletic shoe Air Sole Hennis shoes, socks & sandals from an outside vendor, beyond the *75 general property purchasing limitations. Miller also informed Piley that he had been taking a useless medication for pain, & that it was more harmful than helpful for Piley, given that Piley had been taking pain medication (Naproxen or Acetaminophen) for then, the previous 6 years (& unbelievably, up to present date) to combat Piley's said medical needs, & for a then lingering hand injury. The medication had no bearing at all towards correcting Piley's serious medical needs but rather the useless medication served as a detrimental suppressor that diverted Piley's awareness of his pains; however, the useless, detrimental medication remains the one thing that AFU has eagerly made readily available for Piley to receive.

45. However, Piley's visit with Miller was not as fluid & orderly as it may appear to have been, as Miller in fact sexually assaulted Piley during what was supposed to have been an examination of Piley's lower extremities, where Piley would not have his joints reset as he had been scheduled to.

46. Upon entering Miller's office, Miller immediately took notice to Piley's physique & commented, "My God, do you work out? You got muscles everywhere."

In thinking Dr. Miller's comment was unusual & out of place, Piley turned up his face before

responding, "I ain't (have not) been able to work out because of pain." Miller then instructed Eiley to step on the scale in order to be weighed. After being weighed, Miller told Eiley that he could remove his glasses if he liked, & then requested for Eiley to lie face down on the examination table so Miller could then adjust the table before joking with Eiley, "because you're a tall guy." Already uneasy about Miller's comment on his physique, Eiley respectfully declined to remove his glasses, which were prescription, & Eiley also requested for Miller to adjust the examination table before Eiley lied on it, which Miller had no problem with.

47. Dr. Miller's sexual assault on Eiley was deliberate & intentional. As Eiley lie face down on the examination table, Miller held both of his hands together on Eiley's lower right hand back as Miller explained to Eiley that he would apply pressure on Eiley's lower right hand back by moving both hands & applying pressure in small circular motions, & for Eiley to inform Miller if he experienced any pain from the pressure. Miller examined Eiley's lower right hand back as described above, which took about 10-15 seconds. However, when Miller went to examine Eiley's lower left back, Miller placed only his left hand on Eiley's lower left back while Miller's right hand was on Eiley's left buttock, ~~squeezing~~ squeezing & pressing down in an aggressive manner, forcing Eiley's genitalia against the examination table as Miller simultaneously began to explain to Eiley how he would examine his back, which Eiley seen as

a diversion tactic to delay or prevent Pilex from speaking out & objecting to Miller's non-consensual groping against Pilex; & to also divert Pilex's attention & for reaction while Miller gratified himself in sexually assaulting Pilex for as long as possible. However, Pilex objected to Miller's disturbing, predatory sexual misconduct in responding, "Get your hand off of my ass, motherfucker! What's wrong with you, man?!" As Miller responded immediately, "I'm sorry, I'm sorry, I'm sorry ... " in a quiet, calming attempt to deescalate Pilex, & to prevent a disruption where the officer stationed directly across from the examination room would take notice & get involved; Pilex continued, "Don't ever touch my ass! Don't do that shit again!" as Pilex simultaneously turned over & sat upright on the examination table.

48. A short time later, after by passing examining Pilex's lower extremities for other than the intended purpose, Miller moved to examine Pilex's feet, where Pilex was now sitting upright & at the end of the examination table. Miller, now seated in a chair at Pilex's feet, requested for Pilex to remove his shoes so that he could examine Pilex's feet.

49. Upon having his feet examined, Pilex noticed that whenever Miller questioned Pilex, Miller would fixate his gaze directly at Pilex's genital area as Miller was situated in close proximity to Pilex, positioned in between Pilex's legs with either foot in his hand, binge watching Pilex's crotch at approximately eye level (Miller's sight) as Pilex responded to Miller's questioning about the presence of pain

during the examination. However, angered & especially uncomfortable, Filer placed/rested his hands over his crotch area before stating to Miller (who was still clutching one of Filer's feet after having evaluated them (as he spoke), which, of course, Filer seen this as being unnecessary & invasive on said basis, correlated to the progression of Miller's sexual misconduct), "Hey, man, will you let my foot go (viz., release my foot)?!" Because I'm uncomfortable with that bullshit you just did." Miller then responded, "I'm sorry, I didn't mean to disrespect you." Filer then spat, "you sexually assaulted me, man, what the fuck is wrong with you?!" Miller then sprung up from his chair & moved to close the door as he asked Filer, "Do you mind if I close the door, the traffic's loud out there," closing the door before Filer could even respond. Miller then rushed back towards Filer & responded further, "I didn't mean to disrespect you, we're running short on time, what is it that you need, & I'll write it down for you to receive." Miller began to document Filer's request for care before growing impatient with the length of the request, & telling Filer, "here, will you write it down & I'll redo it later?" as he handed Filer a piece of paper labeled "Progress Notes" that Miller had begun to write out a prescription on.

50. On August 15, 2017, Filer filed a complaint against Miller's sexual assault. This complaint was dismissed with the modification that an investigation be conducted outside of the Inmate Complaint Review System (ICRS) by a designated investigator at WSP, in order to determine whether or not any violations of the WSP's Executive Directive 110A/NO TOLERANCE POLICY had occurred. However, Filer also utilized the Prison Rape Elimination Act (PREA)

outline, seeking to have an independent & impartial arbitrator conduct a thorough/comprehensive investigation into Miller's unlawful sexual misconduct; yet the investigation was (mis) handled by defendant Broadbent, who was designated as the investigator in the matter. In addition, Piley wrote to defendant Boughton, requesting for surveillance evidence to be reviewed & preserved for the coming investigation. Boughton informed Piley that the video footage was received & reviewed but the investigator would determine evidence for the investigation. Upon being interviewed by Broadbent, Piley provided a detailed account of Miller's sexual assault & requested that the video footage be reviewed & considered over his own, or Miller's account of the matter. However, Broadbent fabricated that reviewing any surveillance evidence was up to Central Office. Broadbent's (mis) handling of the matter only served to protect Miller (as a counterpart to Broadbent); thus, the integrity of WSPF. Resolution of the matter was unfair & was improper as Broadbent systematically protected Miller & the integrity of his employer, & silenced Piley's grievance & complaining against Miller's predatory malpractice tactics through hollow formality.

51. Aware that Broadbent was lying about accessing & utilizing the actual video footage, Piley feared that there would be no thorough, nor impartial investigation into Miller's sexual assault. Just as Piley feared, two months later Piley was served a delayed & unexpected memo, informing him that his claim against Miller was withdrawn. Baffled, Piley wrote to Broadbent, questioning whether or not Broadbent reviewed & considered the actual video footage; Broadbent refused to answer & further deflected the

water to the Security Director, who in return, pointed the finger back to Broadbent, just as defendant Boughton had done in informing Eiley that Broadbent, as the investigator, would determine evidence for the investigation.

52. Silenced & pushed aside, Eiley filed a complaint challenging Broadbent's perfunctory & hollow action taken to protect Miller; however, Eiley's complaint was swept under the rug as an unaddressed internal matter as the Complaint Examiner asserted that PREA investigations were not within the scope of the authority of the ICPS. Eiley then appealed to Boughton to no avail.

53. On August 13, 2017, Eiley submitted another request to McArkle as Eiley had been in continuous communication & contact with McArkle concerning Eiley's worsening conditions in anticipation of Eiley's scheduled follow up with a Specialist. In this specific request, Eiley grieved about being tortured by disturbing pain that was debilitating & preventing Eiley from doing once routine daily activities. Eiley further grieved about the prolonged delay/denial of his follow up with a Specialist as he suffered in idle wait, which was for a total of two months at this point. This specific request had been signed off on by Edger & referred to McArkle on 14 August, 2017 & should have then been receipted to Eiley; however, Waterman instead intercepted the request & taunted Eiley, "Your Podiatrist (visit) is scheduled, not soon."

54. Waterman also challenged Eiley's grieving & requests for timely & adequate care when she disputed Miller's orders for care in modifying &/or changing Eiley's medical chart. Eiley's medical chart shows that Miller made orders

to Piley to occupy lower leg night boots or splints & Air
Bubbled (Air & Ice) Athletic style tennis shoes before he
made a third note that, "Pt. (patient) needs catalog to place
order". Waterman then undermined & changed the Piley's
medical record by noting, "not approved, HCU does not
issue tennis shoes" next to Miller's orders for Piley to
occupy Air Bubbled Athletic tennis shoes, & "available on
Units" next to Miller's note that "Pt. needs catalog to place
order".

55. On August 31, 2017, Piley filed a complaint against
Waterman's deliberate indifference in intercepting the medical
request that was intended for McArde, regarding Piley's
delayed/untimely visit with the Specialist. As usual,
there was no serious consideration for Piley's grievance as
the Examiner met with & relied on the perpetrator's position in
"resolving" the matter, where Waterman was allowed to get away
with citing Division of Adult Institutions (DAI) Policy
500.30. All out of context as it entails, "Daily handling
of non-emergency requests (for health care tasks)".
There is no need for Piley to elaborate as it is clear
that Piley's request was an emergency. Further, Waterman
was allowed to rest her misconduct on the assertion that:
"If it is an issue the nurse or HSM can address, they
will do so", while Waterman could do nothing but mediate
Piley occupy his ordered care but of course she was
too busy bunting Piley in assuming that he had another
thing coming. In addition, RN Edger had already handled
the request & referred it to McArde where Waterman's
actions here, were entirely unnecessary, which shows
her intentions, & integrity, given Waterman's field of

work. This complaint was recommended to be dismissed by the Examiner; & LaBelle, once again failed to take any action as the RA, to address & correct Waterman's deliberately indifferent misconduct as LaBelle accepted the Examiner's recommendation to protect Waterman. Eiley appealed LaBelle inability to properly govern tribunal here but to no avail.

5b. On August 25, 2017, Eiley again attempted to receive his visit with the Specialist when he submitted another request to McArdle, just as McArdle & Jacobs had instructed Eiley to do in relation to receiving care. In this request Eiley grieved about specific complications & his conditions becoming worse, in hopes that McArdle would mediate Eiley's Specialist visit sooner, as she was the person who had scheduled the follow up. However, even after Eiley's complaint against Waterman intercepting his request, Waterman intercepted this request as well, where before other medical personnel could refer the request to McArdle, Waterman intercepted it & referred the request to herself. Waterman, once again, taunted Eiley in relation to Eiley's grievance against his untimely Specialist visit where Waterman responded to Eiley's request, "your follow up with Podiatry is a long time away" before she spat, "HSL has nothing to do with your religious preference, nor is it a reason to do anything differently than what providers here (at WDF) ordered (even while Miller as their very own sole provider made orders for Eiley to occupy Air Sole Athletic tennis shoes)", in responding to Eiley's grieving about being in debilitating pain that prevented him from fulfilling his five obligatory daily prayers as a Muslim. In Waterman's wreckless disregard, she still acknowledged, "Plantar Fasciitis is a chronic condition that is not easily treated" before

asserting that HCU does not purchase tennis shoes while Piley never made such request, this was nothing more than an intentional diversion to dispute Piley's ordered care. Waterman even disputed that Piley had no order to return to the Specialist one month after his 05 May 2017 visit while Piley never made such claim but rather, Piley was instructed by Jacobs himself & subsequently McArdle, to submit a request to HCU in order to be seen by the Specialist if he experienced complications in occupying his custom orthotics after one month, which shows that Waterman was preoccupied with her intentions to see that Piley had another thing coming as she was uninformed to the specific handling of Piley occupying his prescribed orthotics, & that McArdle was more better suited & informed to have addressed Piley's request that was intended for her to receive.

57. On September 20, 2017, Piley executed a complaint against Waterman's deliberately indifferent malpractice of changing Miller's orders for Piley to occupy Athletic Air Sole tennis shoes, sandals (which Piley usually occupies for the majority of his day at leisure) & socks from an outside vendor, beyond general property guidelines. As usual, the Examiner met with perpetrator Waterman in reviewing Piley's complaint where Waterman made the ridiculous claim that Miller was a new Provider & was unaware (in spite of training) that HCU did not issue shoes (special ones) while she was unaware that Miller in fact had committed malpractice in allowing Piley to establish a medical record in hopes of preventing Piley's grieving & complaining against Miller's sexual assault; before Waterman would check the medical record, consult with Miller where Miller would then cherry-pick through what Piley established for the record & then reestablish

it. Waterman would admit to interfering with Miller's orders. The Examiner would still fail to accept the merit of Filey's complaint before referencing out of context in protecting a veteran, "PAT Policy: 300:07 Appendix I: "Medical restrictions / Special needs, HCU does not issue, purchase or authorize special shoes if the inmate is able to wear regular shoes (common shoes purchased for general wear via the approved vendors).... If a patient is not able to wear the state supplied footwear due to a significant medical condition & an alternative off the shelf shoe is necessary, the facility shall provide an alternative." before elaborating these cases are to be very limited & determined on a case by case basis through the (Special needs) Committee / Nurse review"; is Miller capacity as a Doctor not greater than a Nurse where he would be more qualified to oversee such care? Of course it is, however, rationale & the code of ethic related to the standard care was intentionally disregarded here. This assertion by the Examiner shows that Waterman had been lying to Filey in claiming that HCU had nothing to do with personal shoes. In addition, the policy referenced by the Examiner shows Filey should have been allowed to purchase his own personal shoes as ordered as it was established for the record that Filey had been prescribed custom orthotics & could not occupy "regular" footwear. Furthermore, HCU's misapplication of the policy is established for the record where the Examiner asserted, "These cases are to be very limited...." How can the HCU predetermine the amount inmates that it may provide adequate medical care to when the HCU is bound to provide adequate, & effective care that is timely to ALL persons in its custody/care, regardless of whenever or however it is required for the HCU to do so;

even if it means mediating/affording medical shoes to ~~ALL~~ its prisoners? It is clear that HSU/NSP is using this policy for other than its intended purpose instead of allowing qualified medical personnel provide much needed care where it's required. The Examiner would further assert that, "tennis shoes can be ordered according to property rules, & that exceptions can be made at the facility level & not HSU, if special situations arise (at the intake phase on a prisoner's imprisonment) in ~~dismiss~~ recommending dismissal of this complaint. However, the Examiner's strategic attempt at making it appear that intake is the appropriate point for prisoner's to place the WISC on NOTICE of the need for special shoes, shows that Filer in fact needs now to occupy immediately his special/medical footwear as Filer's life-long preexisting leg deformity is noted for the record & Filer was able to access/occupy this very medical apparatus as general consumption for the first ten years of Filer's imprisonment (1999-2009), thus, Filer was adequately accommodated & had no need for HSU/NSP to mediate him occupying medical footwear as he had done so at his own expense. Once again, defendant Abum of the appropriate authority did nothing towards addressing & correcting Waterman's ongoing act(ions) to assure that Filer had another thing coming, as Abum upheld the Examiner's recommendation to dismiss this complaint. Filer appealed this dismissal through aid of another prisoner via US mail but to no avail.

38. Filer had yet to receive his scheduled follow up with the Specialist & Filer's conditions continued to get worse. Filer's back complications had begun to affect & distort Filer's posture when lying, sleeping & especially whenever Filer stood, walked or the likeness. Filer had also begun to experience

neck pains. On August 30, 2017, Riley submitted a request to USArk seeking treatment with the Specialist, & whatever care that was available through USPF for Riley's worsening conditions. On September 8, 2017, Riley was seen & evaluated by USArk where Riley was diagnosed with neck pain, "caused by muscle spasms, present on either side of cervical spine; worse on right vs. left. Riley was instructed to apply warm moist towels on his neck, & was referred to the Physician (PT) for evaluation & treatment.

59. Riley went without receiving his ordered PT evaluation or any treatment on his neck for more than an entire month (38 days), & on November 5, 2017, Riley filed a complaint against this specific deprivation that would progress to 1 1/2 months of Riley grappling with neck pains before he would be evaluated & treated by the PT therapist. As usual, in offering Riley no serious recourse, the Examiner reviewed the complaint with Waterman & relied on Waterman's ridiculous claim that 1 1/2 months (w/ Riley being in pain) was the normal wait time for a patient to be seen for a physical therapy evaluation, in recommending dismissal of the complaint. The Examiner further insisted on downplaying the matter as if it was an 'initial evaluation' where treatment would not be prescribed, nor administered; thus, no denial of treatment ever occurred. However, USArk had previously 'evaluated' Riley's neck & placed Riley's conditions on the record, as such, treatment was in order from that point on, otherwise a subsequent 'evaluation' as asserted by the Examiner would be an admission of failing to provide Riley with medical care for injury & pain.

that HCU was aware of. Again, Aloun turned a blind-eye towards this deprivation that caused Filey to suffer in idle wait, where Aloun accepted the Examiner's illegitimately based recommendation to dismiss this complaint. Filey appealed the dismissal of the complaint but it was upheld with the Examiner citing, "PT evaluation only", & that the evaluation outcome noted no further Physical Therapy was needed. However, this was not the case, upon being evaluated, the Physician provided Filey with instructions to maintain a PT "home" exercise regimen to treat his injured neck, as Filey had completed multiple bouts of PT & possessed enough knowledge to maintain an independent regimen without the Physician. Thus, treatment was delayed for 1 1/2 months, leaving Filey in pain; & this is why this complaint should not have been dismissed. PT "Home Exercise" regimens are a form of care/treatment.

100. On September 26, 2017, Filey ^{sent} a request to Miller, seeking information as to why Miller's orders for care; that Filey access/occupy Air Bubbled Athletic style tennis shoes & sandals, & socks, & that Filey be provided an herbal remedy for pains as described above, had been reduced to an order for Air Bubbled Athletic style tennis shoes & lower leg sprints? However, Waterman, intercepted this request & spat at Filey (just what Filey suspected), "Discussed with Dr. Miller - reviewed your file. Mr. Filey, you purely circumvented the shoe policy. HCU does not purchase athletic shoes. You can purchase your own shower sandals & socks through canteen. There is no approval for herbal supplement ~~Turner's~~ Turmeric

in the SOC" in verifying Eiley's suspicion that Waterman had spoke with Miller about his August 13, 2017 orders before she ordered Miller to change them where Waterman still went behind Miller's & changed orders & undermined them further with her personal notes. Waterman falsely accused Eiley of something Eiley had no control of & continued to claim that Eiley was requesting for HCU to purchase the shoes he had been prescribed while he has only sought to occupy them at his own expense.

61. On September 26, 2017, at a stagnant & painful dead-end with his exacerbating conditions & remaining without care, Eiley submitted a request to McArdle grieving about the ill-adverse effects of his worsening conditions & also questioning McArdle's disturbing ~~wreckless~~ deliberate indifference in persisting in ineffective care (viz., pain medication, PT units, TENS unit, therapy bands, knee & ankles braces, ointments & all other care that McArdle/HCU insisted & persisted that Eiley take/occupy in place of the Specialist's orders after they HCU had designated Eiley off-site for care). McArdle herself acknowledged, "you have an upcoming appointment with Podiatry, I recommend you discuss your problems with your feet with them." McArdle again acknowledged that the Specialist was better equipped to treat Eiley & that Eiley should address any concerns with them, yet, not only did McArdle persist in ineffective care subsequent to any/all off-site visits with a Specialist but McArdle refused to mediate Eiley receiving the care that the Specialist ordered, even while knowing that it was the optimal care.

102. On October 13, 2017, Filey submitted a request to HSArdle, grieving about complications with chronic/severe pain. Edger would respond to Filey in a similar tone of HSA's previous eager inquiries of "what, are you refusing care?" when Edger threatened Filey, "HSA could provide you with a recreation restriction (which, had Edger had any intention to actually provide Filey with care, Edger would have checked the record & known that Filey had already been on a rec restriction for five months at this point) or cell confinement (which is the most popular punitive disposition for conduct reports related to prisoner misconduct), if it was too painful for Filey to walk about the housing unit or outside. Filey attempted to take HSA up on its offer, in requesting a "eat in cell" restriction as it was too painful for Filey to mobilize during out-of-cell activities. Filey's request was denied by the SNC, even while they were aware of Filey's serious medical needs. Filey filed a complaint against the denial of care that HSA had offered in the first place but this complaint was mishandled as it was never referred to the ~~Prison~~ Bureau of Health Service (BHS) as a medical matter. The Examiner met with Waterman who informed the Examiner, "there was no physical or medical limitation requiring Filey eat in his cell". The Examiner recommended dismissal of the complaint of Waterman's bogus information (as she had previously acknowledged that Filey's Plantar Fasciitis was chronic), & Boughton accepted this recommendation for dismissal. Filey appealed Boughton's decision to no avail.

103. On October 13, 2017, Filey encountered inmate Greg Atwater (Atwater), who was housed two cells away from Filey on the same unit. Atwater was aware of Filey's medical conditions

& Piley being denied his ordered medical shoes. Atwater informed Piley that while he was consulting with an RN in the examination room, Waterman abruptly entered the room & began speaking with the RN amongst themselves before Waterman stated aloud, "whatever you do, don't make any orders or notes about personal shoes, I'm in hot water about it" as she writing the examination room. Atwater then volunteered to provide Piley with a declaration about what he witnessed.

64. In between Piley's second & third off-site Specialist visit, Piley continuously submitted health service requests to HCU, grieving about his conditions becoming worse. At one point, informing HCU that his pains had reduced him to tears, & that they had not only become physically overwhelming but that his chronic/severe pains had become mentally & emotionally taxing as well.

65. Finally, On November 17, 2017, six months later & five months delayed, Piley returned to Gunderson for a third visit with Jacobs (1st off-site Specialist visit subsequent to LaBelle's assertion, supra at 934.). Subsequent to Piley's physical evaluation, Jacobs questioned Piley about Piley's adolescent engaging in sports activities & the specific medical devices Piley occupied to accommodate Piley's life-long leg deformity of having an aversion of the feet. Piley explained to Jacobs that he had occupied corrective (leg) braces from the point of walking up until about age 10 where Piley then occupied different styles of medical sleeves for his legs in combination with Athletic Air Sole style footwear up to age 12 before Piley was able to occupy said medical

apparatus alone & up until 2009 at which time Piley had to dispose of his overworn Air Sole footwear in the DDC.

Jacobs explained to Piley that the Athletic Air Sole style tennis shoe was perfect for not only combatting the ill-adverse repetitive joint compression of Piley's misaligned leg joints but to combat Piley's now problematic flat feet & Plantar Fasciitis symptoms as well. In addition, Piley provided photos of him occupying his actual medical apparatus in the DDC.

Jacobs noted Piley's pain during physical evaluation & documented Piley's aforementioned conditions before ordering that Piley occupy Air-type shock absorption footwear (Air Sole tennis shoes) as the optimum form of care for Piley's conditions, & encouraged Piley to continue with flexibility & stretching.

Ido. It was at this specific juncture that Jacobs left no doubt as to Piley's serious medical needs & what was required for adequately & effectively addressing or correcting these needs. Thus, given McArdle's assertion,

"you're not getting any fancy shoes, I'm going to request another podiatry visit to see if that's necessary", supra at 439,

HCU/USPF now had no legitimate reason for tactically delaying or denying Piley accessing/occupying his ordered care, no further than

they had defiantly & unlawfully done already. Further,

McArdle's assertion shows that HCU's unlawful defiance was unnecessary & that if McArdle was to urdate Piley accessing fancy shoes once the podiatry deemed it necessary at Piley's third visit, McArdle/HCU should have taken such position/action at Piley's second off-site visit. Yet, upon returning back to USPF, Piley was

met with the same deliberately indifferent tactics

Am HCU.

107. On November 20, 2017, Filer received documentation of Jacobs' orders for care, which included Mc Ardle & RN Tracy making note of these orders where Tracy ~~notes~~ made notes documenting Jacobs' orders for care for Filer's medical record, & Mc Ardle, signed off on all of them, noting "herself", "Pt. many order" (his prescribed athletic Air Sole tennis shoes).

108. On November 29, 2017, Filer submitted a request to Mc Ardle, explaining that he was suffering from severe pain, basically from Filer's neck to his toes, & that the pain was mentally taking to the point that he needed care in wait of occupying his medical footwear. Filer elaborated that his pains would become overwhelming in doing just about anything; viz., laying, sitting, standing, walking, running, performing PT regimen, attempting to pray (as a Muslim), & suchlike. RN Edger handled this request & apparently took notice to Filer's mentioning that he couldn't wait until he received his prescribed footwear; as Edger responded, "you have been given knee braces, night splints, ankle braces, a TENS unit, & a therapy ball (all ineffective devices towards Filer's serious needs), be sure that you are using ALL of these devices as they are ordered. HCU does not provide shoes for patients unless you are diabetic or severe foot deformity", while Filer has never requested that HCU provide purchase Filer's medical shoes but rather that they simply allow Filer to purchase his own medical footwear. Thus, given Edger's response, Filer should have been able to access & occupy his medical shoes for his aversion of the feet & being

flat footed. In addition, Edger's response shows that the "top down" approach (to assure that Fiken had another thing coming) lead by Waterman, was actually taking place where it is clear given Waterman's own admission of having "discussed" Miller's orders for care for Fiken, (see at supra Pt 60); that Waterman "discussed"/instructed Miller, the RN consulting with Atwater, Edger, likely several others, & later McArdle, to not make any orders for medical stims.

109. On December 10, 2017, Fiken filed a complaint against the denial of Jacobs' November 17, 2017 orders, alleging deliberate indifference; however, as usual, the Examiner's continuous position was to turn a blind eye to Fiken's suffering & to protect Waterman & the integrity of work, as the Examiner met with the one person at the top of the "top down approach", Waterman; in demonstrating her inability to properly govern tribunal as a complaint examiner Waterman misled the Examiner, claiming that Fiken's last offsite visit was his second one, for whatever reason. Waterman also by this time had "discussed" matters with McArdle who had now shifted from noting "Pt. may order" under "per offsite recommendation" (in Fiken's medical file), to parroting what Waterman changed Miller's orders with, "ASU does not provide personal athletic shoes, you may order (your) recommended shoes from catalogs", where Waterman provided the Examiner with the coerced response, & the Examiner recommended dismissal of this complaint. LaBelle failed to address & correct this matter as the RA.

110. On December 12, 2017, Fiken sent a request to McArdle, questioning whether an aversion of the V-foot (causing chronic/severe pain from malaligned leg joints) & being flat footed were severe leg deformities. Fiken submitted this request in relation

to Edgar's that, "HBU does not provide shoe unless.... a patient has a severe foot deformity" (at supra ¶ 68). McArdle responded to this request, "I will have you rescheduled with Podiatry so that you can ask these questions"; Podiatry is best prepared to answer your questions". Which was disturbing to Piley to be shown that the educated & trained personnel, who was responsible for Piley's well-being, could not provide an answer to a simple medical question. It was also all the more disturbing that McArdle eagerly referred Piley to an offsite Specialist, claiming that the Specialist was better prepared to answer Piley's questions; yet, McArdle continuously refused to mediate a timely follow up with the Specialist in between 5.5.2017-11.17.17 while Piley suffered as he continuously grieved to McArdle about his conditions becoming worse. McArdle's admission shows that the Specialist was "best prepared" to provide care to Piley; thus, HBU/WSPF should have never refused the Specialist ordered care, nor should HBU ever attempted to provide care in place of the Specialist's care, especially where HBU had demonstrated this in ref. referring Piley to the expert due to their admitted inability to accurately diagnose or treat Piley.

71. Palford, Piley sat out for explanations of HBU's actions where on December 14, 2017, submitted a request to McArdle posing the following questions: 1) Can't anyone in HBU answer the questions posed in my request dated December 12, 2017? 2) Why are you referring these questions to a Specialist? 3) Don't you have medical knowledge to answer these questions? 4) Approximately how long will it be before I'm able to consult with the Specialist? 5) Did it ever occur to you that I may have already discussed the questions posed in my December 12, 2017 request with the Specialist?

which Pilek had actually done. & (b) why is your office following every recommendation for care (made by the Specialist), except for orders for any medical shoes? This request was referred to McArde but none in HSL ever dared to answer Pilek's questions as they had done in the past enthusiastically.

72. On December 19, 2017, Pilek sent a request to McArde, inquiring about being seen for evaluation related to a possible "feed cell" restriction as Pilek had been told he would be seen but had not been, & was disregarded in chronic pain that greatly reduced Pilek's mobility. This request was referred to McArde with no information provided to Pilek's inquiry.

73. On December 20, 2017, Pilek submitted three health service requests; one questioning: "1) Just wondering, is it a medical emergency for me to have mobility complications with chronic pain in my lower extremities when attempting to go to & from during out-of-cell movements? 2) Shouldn't medical emergencies be addressed promptly & at once, upon being placed on notice about them?" Pilek Tracy sent in response: "Sir, if your pain was so severe, you would not attend recreation & do the activities that you do. Please note when you write doc 3055 (HSP-5) such as these, we check up on you & your activity you do. & if you're hurting so bad, I can decrease your movement with recreation restriction" while Pilek had not been to recreation for about five months at this point.

74. Another request questioning whether a medical condition was severe when it caused chronic, debilitating pain. Pilek Tracy responded, "would you like to be seen, yes or no?" while Pilek had sent requests inquiring as to why he had not been seen after being told

that he would be. Tracy stated/responded further, "Do you need a recreation restriction, yes or no? Let HCU know, we are happy to help you decrease your movement to help your pain"; which was a threat that served to deter Piley from requesting medical services for his exacerbating mobility complications, or to have Piley on loss of recreation for seeking services. even while Piley had been told that he would be assessed for a "feed cell" restriction which is what Piley was inquiring about.

75. The third request sent on December 20, 2017, sought HCU's knowledge/opinion on the severity of Piley's Plantar Fasciitis, having an overpron of the feet/malaligned leg joints & being flat-footed; where, given HCU's previous tactics of referring Piley to a Specialist to present questions, or to simply ignore them, Piley told HCU that the requested medical information was needed as general information in order to present the request as being unrelated to Piley's ordered care. However, Tracy in responding to all of Piley December 20, 2017 requests responded, "It seems to me that you are very knowledgeable, sir. You can look that up in the law library. Unless it is teaching for meds & NEW teaching to you, it is your responsibility to locate that information."

However, not only was it ridiculous for Piley to have been refused information related to a serious medical condition but it was "NEW teaching" to Piley as well as Piley was unaware as to exactly what was going on with the severity of the severe conditions the Specialist said he had.

76. On December 29, 2017, Piley filed a complaint, alleging deliberate indifference in Tracy threatening Piley with being happy to decrease Piley's movement with loss of recreation in order to deter Piley from seeking much needed care. This complaint detailed

that Tracy had access to Piley's medical file, thus, previous health service requests showing that Piley had requested for McArdle to lift his 90 day recreation restriction under the instruction of PT therapist, Krueger, who instructed Piley to go to recreation & walk around or perform some of his PT regimen as long as it didn't become too strenuous, & that Tracy based said threat off of that knowledge (of Piley's request). Even though Piley was physically unable to attend recreation, he still needed access to the recreation space & equipment to exercise in moderation whenever he was able to do so.

77. In receiving no recourse through filing a complaint, Piley was met with the tiring hollow formalities tactics of the Examiner contacting the perpetrators, who would obviously protect themselves in being investigated for misconduct. & in contacting Waterman, Waterman informed the Examiner that Tracy's responses were appropriate while it was the Examiner's responsibility to determine that. Waterman fabricated that Tracy's responses educate Piley on how to help alleviate pain while they did not, & they in fact prevented Piley from receiving information that would have been educational & useful to him. Waterman told the Examiner that Piley was seen by McArdle but withheld that it was regarding evaluation for a possible "feed cell" restriction, & that a recreation restriction had little to do with alleviating pain. At Piley's visit with McArdle, Piley's "feed cell" request was referred to the JNC for review. & Piley was scheduled an offsite visit with the Orthopedic for knee pains as well. The Examiner never contacted Tracy in gathering all relative information before recommending dismissal of the complaint, & Atsum failed to take the appropriate action in accepting the Examiner's recommendation. Piley appealed further to no avail.

78. On January 4, 2018, Piley sent 2 requests to McAnille, one seeking an approximate date as to when Piley would see the Specialist. P.N. Edger would not refer this request & dismiss Piley in responding, "linear", which was a lie, unless HCU intended to allow Piley to suffer in being untreated in idle wait, again. The other request questioned whether or not Plantar Fasciitis, being flat-footed & having an aversion of the feet were severe foot conditions. Piley explained that he could not find this information in the library. Edger responded to Piley & spat, "you do not have a diagnosis for those conditions, ... you are not at risk of losing this extremity" & "Plantar Fasciitis is not a severe foot condition, while Waterman seem to think otherwise as Waterman had told Piley, "Plantar Fasciitis is a chronic condition, it is not easily treated (see supra at ¶ 56). In addition, Edger provided Piley with information on Plantar Fasciitis (which undermined Tracy's refusal to provide Piley with medical information: supra at ¶ 75).

79. The medical information that Edger provided Piley with was about Plantar Fasciitis, & needed to be examined & no further than page 2 of "Treatment" where it detailed that surgery may become necessary; to understand the seriousness of this condition. Where Edger over time had handled many of Piley's medical requests where Piley continuously grieved about being in severe pain as his conditions became worse, Edger had to have known that Piley's Plantar Fasciitis was at an advanced phase. Edger had also received Piley returning from an offsite visit with the Specialist where she noted the offsite orders for care in Piley's medical file.

80. Further, the medical information detailed nearly everything

that Pilex continuously grieved to HSU about; viz., pains & symptoms listed under signs & symptoms; Pilex's attempts & pleas to contact the podiatrist due the increase of pain; pain developing in Pilex's hip, knees & back; & Pilex having questions & concerns about his conditions & care. The medical information also provided that a patient must wear shoes that fit well & support your arch while Jacobs made 11-17-17 notes that Pilex's footwear did not. The medical information further instructed one to, "Replace your shoes before the padding or shock absorption wears out" (which shows that the shock ~~absorption~~ absorption air sole tennis shoes that Jacobs had ordered for Pilex was in fact what Pilex should have been occupying as the optimum form of care). & "Do not walk or stand in bare feet or sandals for long periods of time" (which is exactly what Pilex is compelled to do everyday on concrete prison surfaces as Pilex occupies a sandal all day long unless Pilex is performing his "home" PT regimen in cell or is able to mobilize for an out of cell activity). This shows that HSU possessed this specific knowledge of Pilex's chronic plantar fasciitis, yet, HSU refused timely visits with the foot Specialist & subsequently refused the Specialist's orders for care while the Specialist & the medical information (viz., HSU knew) instructed, "the shoes should fit well & support the arches, & should have shock absorption", just as Pilex had occupied prior to & during imprisonment, & also prior to ever experiencing any complications with chronic severe pain. However, defeated by the Examiner's complaint processing antics, Pilex was deterred from volunteering to engage & the firing process & declined to file a complaint against Edger's deliberate indifference. But the integrity of HSU is clear for the record that its personnel ~~pushes~~ collectively pushes an unethical agenda of malpractice.

81. On January 22, 2018, as Piley had been scheduled to be seen when he inquired about when it would be before Piley was dismissed by Tracy & Edger, Piley was finally seen by McArdle to be evaluated for a "lead cell" restriction & other unnecessary care. McArdle evaluated Piley & determined that Piley was suffering from chronic foot pain & ~~other~~ bilateral knee pain. Piley told McArdle that his pains & complications existed & were becoming worse before he was not occupying the prescribed footwear that best accommodated all of Piley's serious medical needs. McArdle would respond to Piley, "I have something even better than those fancy shoes.... Apax shoes." Piley questioned, "what are those?" & McArdle informed Piley, "Oh, you'll like them - they work for a lot of guys." Piley then questioned why McArdle would insist on forcing Piley to occupy lesser ineffective treatment while she knew that the Specialist's care was the best care available for Piley's serious medical needs? McArdle responded, "Because the doc won't allow the Specialist treatment" & then elaborating, "I'm scheduling you for a Specialist visit to evaluate the need for Apax shoes whether you like it or not!" Piley then attempted to request that McArdle check Piley's medical record to verify Piley's need to occupy the specific Air Sole Shock Absorption style footwear that Jacobs had ordered for Piley to occupy but McArdle continuously interrupted Piley, "Nope. Nope. Nope." Silenced, pushed aside & powerless in the matter, Piley abruptly exited the examination room. In addition, McArdle, in her continuous efforts to finally have a difference of opinion with another Specialist asserting that medical footwear that had been prescribed to Piley was unnecessary, McArdle factually scheduled Piley for a visit with an Orthopedist for Piley's bilateral knee pain & the need for Apax shoes, while McArdle noted/acknowledged Piley's chronic foot pain; which

was the focal point of all of Eiley's serious medical needs an Eiley's aversion of the feet malaligned his leg joints, causing (the bilateral knee) pain, & Eiley's Plantar fasciitis & (flat feet) collapsed arches, all were in Eiley's feet. Thus, if Eiley's feet were treated it would mitigate or correct pains elsewhere in Eiley's lower extremities.

82. On January 23, 2018, Eiley filed a complaint against McArde's January 22, 2018 actions, alleging deliberate indifference towards Eiley's serious medical needs. This complaint detailed that McArde distorted/fabricated medical records in documenting that Eiley's bilateral knee pain was Eiley's chief complaint in order to overlook the conditions of Eiley's feet (viz., having an aversion of the feet causing malaligned leg joints, having collapsed medial arches & Plantar Fasciitis), which was causing Eiley's knee pains. Eiley elaborated that McArde's actions would allow McArde to order care on Eiley's knees while such care leave Eiley's feet unaddressed & would also circumvent Eiley's ~~not~~ ordered care towards Eiley's chief medical issue/condition, which is what ASU had done up to this point. Eiley also complained against McArde's actions of ignoring Eiley's concerns during their January 22, 2018 consult. Eiley also complained against McArde persisting in ineffective care in place of Eiley's ordered care that served as the optimum care plan for Eiley, & of all people knowing that the Specialist was "better prepared" to provide care for Eiley, McArde would be one of the first to know & profess this, as she has made it clear for the record.

83. When Eiley felt silenced, pushed aside & powerless during Eiley's January 22, 2018 consult with McArde, the

complaint examiner wanted to make sure of that as the Examiner "didn't want to hear it" in ~~REJECTING~~ Piley's complaint as "previously addressed" while it dealt with Piley's January 22, 2018 consult only, no other incident before it. The Examiner claimed that Piley had filed a complaint against this matter on December 10, 2017 while these are two separate incidents/complaints; yet, Boughton accepted the Examiner's recommendation. Piley appealed the matter to LaBelle who turned a blind eye & upheld the rejection of the complaint.

84. On January 24, 2018, McArdle acted on HCU's slacking & derailing practice of tampering with/distorting & fabricating medical records (just as McArdle's Manager (Waterman) amplified & encouraged McArdle to do), when McArdle (unknown to Piley) fabricated that she had cancelled Piley's January 22, 2018 referral to the Orthopedic because Piley's knee pain had been treated while it had not been.

85. Under the impression that he would be seen by the Orthopedist, Piley sent a request to HCU, grieving about his conditions becoming worse; this request was sent on February 27, 2018. Edger responded to Piley's request: "You were seen on January 22, 2018. According to your plan of care, you are being referred to Podiatry & Orthopedics (which would suggest that WSP "plan" of care was to allow the Specialist to provide care to Piley; only to continuously refuse it). You will be placed on provider appointment list; however, it may take greater than two weeks to be seen"; this response was made on February 28, 2018.

86. Where Edger referenced the fabricated record, Edger had

to have noticed that McArdle had cancelled Piley's Orthopedic visit, as McArdle's fabricated cancellation note was noted immediately underneath the original January 22, 2018 referral that Edger was referencing to Piley. Yet, Edger overlooked McArdle's fabrication in responding to Piley on February 28, 2018. However, after still not having seen the Orthopedic or the Podiatrist, Piley submitted another request to HCU on March 12, 2018, grieving his conditions worsening & being denied care. Edger responded to this request: "You have been referred to Podiatry..." & never now, never mentioning the previous Orthopedic referral as Edger had done on February 28, 2018; showing that Edger noticed McArdle's fabricated note in cancelling Piley's Orthopedic consult, & that Edger provided Piley with false information on February 28, 2018.

37. It is evident that McArdle fabricated Piley's medical record on January 24, 2018 by cancelling the Orthopedic visit under false pretense & then scheduling Piley to see the Podiatrist in relation to Piley's January 23, 2018 complaint (see at supra ¶ 82). Though McArdle's problem was admitting wrong as related to Piley's January 23, 2018 complaint, where McArdle did not want Piley's deliberate interference claim affirmed. McArdle under said circumstances still could have simply changed Piley's Orthopedic visit into a Podiatry visit & left it at that. Yet, where McArdle insisted on fabricating medical notes in relation to dispensed care, it reflects McArdle's integrity; which reflects that McArdle's initial January 22, 2018 Orthopedic referral was to divert from Piley's feet issues/pains; thus, entertaining Piley's accessing/occupying his ordered care. Further, it is evident that Edger was aware of McArdle's actions when Edger responded to Piley with false information; thus, showing Edger's integrity as a care giver as well.

88. On March 17, 2018, Piley was seen & evaluated by McArdle, who determined that Piley's conditions were in fact becoming worse as Piley had been grieving to the. McArdle informed Piley, "I'm gonna reschedule you for an Orthopedic consult". Piley immediately questioned McArdle, "reschedule, ain't I already scheduled to see the Orthopedist?" McArdle informed Piley, "It was cancelled". Piley again questioned, "cancelled, by who?" McArdle then downplayed her actions in responding to Piley, "Don't worry, you're scheduled again". At this time, Piley was unaware of who was responsible for cancelling his Orthopedic visit & leaving him suffering in pain without care. Piley then went to review his medical records & see that McArdle had cancelled the Orthopedic visit & lied about having provided Piley care while Piley was in fact suffering as McArdle would verify before rescheduling the Orthopedic visit. Piley was deferred from the the antics of the complaint process & declined to deal with it as it relates to McArdle & Edger's action here.

89. After McArdle moved to cover up her unlawful tracks, on March 23, 2018, Piley was informed by escorting officers that he was going off grounds for a Specialist visit in Boscebel (Gunderson). In returning back to Gunderson, Piley was under the impression that he was finally having his visit with Specialist Jacobs as Gunderson was the site of all other visits that Piley had with Jacobs in the past. However, Piley was greeted by Orthopedist, Edward Piley (Dr. Piley) shortly after entering Gunderson. That fact that Piley was seeing the Orthopedist 16 days after McArdle told Piley that she was rescheduling Piley's visit, shows ASU's ability to afford its prisoners such service.

which shows that every delayed off-site visit that Piley was subjected to was unnecessary, especially as Piley was in fact suffering. The prompt visit also reflects the extent that Piley had been suffering when Piley consulted McArkle 16 days earlier. This visit would also be Piley's 2nd off-site visit with a Specialist subsequent to LaBelle's assertion, supra at ¶ 34.

90. As Piley was being evaluated by Dr. Piley, Piley explained that he thought he would be coming/returning to Emerson for a follow up with Jacobs regarding the worsening conditions of his feet. Dr. Piley responded, "NO. I'm an Orthopedist, I'm here to address your bilateral knee pains but, have you been seen before?" Piley responded, "Yeah, but for my foot issues, which is causing my knee pains;" & Jacobs made the same diagnoses & orders on three different visits. As Dr. Piley shifted from evaluating Piley's knees to ~~examining~~ reviewing Piley's file, Piley elaborated, "Everytime Jacobs has ordered care, the prison has refused to allow me to have it". Dr. Piley then questioned, "What?! Why would they do that?" as Dr. Piley continued to review Jacobs' three previous evaluations, diagnoses & orders for care on Piley. Piley explained DCF's denial of his ordered care, & moments later Dr. Piley informed Piley, "Yes these conditions (of your feet) can cause knee pains, & other pains, especially when left untreated". Dr. Piley, appearing baffled at what Piley explained to him & what Piley's medical records showed, finished evaluating Piley before ordering the following: Follow Piles (recommendations) outlined by Dr. Jacobs in his 11-18-17 notes. Pt. has several foot diagnoses. Help him get the recommended footwear per Note of 11-18-17. MUST purchase

Athletic Air sole style tennis shoe, from outside vendor beyond general property regs (regulations) as (HIS) medical conditions are specific to patient". Dr. Piley then read aloud to Piley what he had ordered before instructing, "Yeah, keep complaining until you get this care, don't sit in silence while you suffer". McArde noted these orders on 3-23-18.

91. Upon returning back to WSP, Piley was received with HSU's continuous efforts to assure Piley that he had another thing coming. On March 23, 2018, instead of appropriately referring Piley's ordered care to the SNC for approval, McArde disregarded Piley's serious medical needs & replaced Piley's optimal plan of care with ordering Piley to occupy APEX shoe issued footwear while McArde knew that any care that she issued in place of the Experts would make Piley's conditions worse as Piley could not just simply occupy his custom orthotics in the wrong shoes (see supra at ¶ 32). Further, under "Prescriber's Orders" where off-site orders are commonly not in one's medical file, McArde, true to HSU form, fabricated Piley's medical orders/record by inserting her own orders for Piley's feet to be measured for occupying one pair of APEX shoes to accommodate Piley's custom orthotics.

92. On March 24, 2018, Piley was measured for occupying APEX footwear. However, Piley would never be issued this footwear by WSP's HSU. Where Piley feared injury in making his conditions worse by occupying the wrong shoes custom orthotics in the wrong shoes, Piley never volunteered to place HSU on notice about never being issued the harmful footwear. However, the fact that HSU did order this care & measure Piley's feet, only to disregard & never provide the care to

Piley; shows ASU's disregard for not only expert Specialist care but for their very own care as well. ASU continuously persisted in care that was ineffective, & even in care that would be harmful to Piley; in preventing Piley's optimal care. ASU continuously demonstrated & documented that they had no desire at all to provide adequate & effective care for Piley's suffering from his serious medical needs.

93. On April 20, 2018, five months after his last visit, Piley was finally seen by Jacobs. As soon as Jacobs entered the examination room, Jacobs questioned Piley, "What are you doing here again?!" Piley answered, "I'm falling apart, man, I'm hurting". Jacobs then questioned, "Are the orthotics working with the Air Socks?" Piley answered, "They (Woff) don't even let me buy the shoes with my own money". Jacobs then questioned, "Well, why would they continue to send you here for treatment that they're refusing?" Piley responded, "I don't even know". Jacobs then informed Piley, "I know you're in a lot of pain but we're not gonna do evaluation today, I'll simply reference the record & that should be more than enough". Piley then objected to Jacobs that Woff continued to dismiss his recommendations as mere recommendations that they didn't need (not have to, need to; viz., that Piley didn't even need the care that the experts continuously ordered for Piley to occupy), to follow. Jacobs, along with the erroneously present resorting officers, almost simultaneously responded to Piley, "those (recommendations) are orders" before Jacobs reiterated, "No. Recommendations must be followed". Jacobs went on to reference Piley's medical record related to all previous Specialist visits before providing to ASU that: "3 different physicians

(Jacobs, Dr. Eiken & Miller) had ordered Air-filled (Air Sole) Athletic style shoe gear as patient has utilized this specific shoe gear as noted without symptoms". Jacobs ordered a care plan for Eiken to occupy this custom orthotics in combination with Air-filled (Air Sole) Athletic shoe gear & sandals, from an outside vendor; to be purchased at more than the \$75 general (non-medical) property guidelines. This off-site visit with the Specialist was Eiken's 3rd visit subsequent to Labelle's assertion, see supra at ¶ 34.

94. After receiving the same diagnoses & orders for the best care, Eiken returned back to WSF, only to be confronted with ASU's continuous deliberate indifference of leaving Eiken without any meaningful or effective care while refusing the best care available to Eiken.

95. With having no effective care, Eiken was compelled to notify ASU about his worsening conditions. On May 8, 2018, Eiken sent a request to ASU questioning: 1) I am (still) having level 10 pain complications from Plantar Fasciitis, having an aversion of the feet & being flat-footed, what should I do? 2) I was sent off-site due to your (ASU) inability to provide adequate & effective care; yet, when the off-site Specialist, acting as the sole provider, diagnosed me with the aforesaid conditions & then made out specific orders for care, why have your office denied me this care? Eiken then asserted: 3) ASU has admitted/demonstrated an inability to provide me with adequate/effective care, yet, where I still have level 10 pain; yet, ASU has prevented the adequate/effective care (that best treats me) that ASU

pretended to mediate for me to receive.... I NEED CAPE TODAY!" This request was responded to by McArdle on May 9, 2018 asserting: "you are allowed to purchase any personal athletic shoe you prefer from the catalogs. Many of the athletic shoes available through the catalog would address Plantar Fasciitis." McArdle not only ignored Eiley's complications with having an aversion of the feet & collapsed medial arches but McArdle ignored the fact that Eiley had been occupying the catalog footwear for 9 years at that point; & the inadequate catalog footwear may have contributed to Eiley's Plantar Fasciitis; one thing for sure, the footwear was not accommodating any of Eiley's conditions.

96. Disturbed by McArdle's dismissal of his serious medical needs/conditions; Eiley sent HSU another request questioning: "If the catalog shoes addressed my Plantar Fasciitis, the Plantar Fasciitis complications would not persist nor become worse as they continue to do; viz., the disturbing/aggressive pain in my heels, in the bottom of my feet, achilles, knees, hip, ankles & lower back. the bottom of my feet (arches & heels) frequently & spontaneously locking up (spasms that debilitate me). I occupy two different (supposed to be) athletic pairs of shoes from the catalog, why are my Plantar Fasciitis complications worsening?" McArdle responded to this request, "The athletic shoes available through the catalog should be adequate, the Podiatrist did not send you to orthotics lab for special shoes or inserts". Eiley could only shake his head in disbelief of McArdle's baffling response as custom orthotics in combination with specific medical footwear is exactly what Jacobs did order for Eiley to occupy.

97. On May 10, 2018 sent another request to McArdle, questioning: "I raised level 10 pain complications being caused by my diagnosed medical conditions, upon never informed me what could be done about these torturous complications, what should/can I do where HCU's care is ineffective while HCU continues to outright refuse the Specialist care being received by me?" McArdle again instructed Piley to occupy footwear from the catalogs while McArdle knew Piley could not wear his orthotics in the wrong shoe; & McArdle was also aware that Piley was suffering chronic/severe pains in having been denied his ordered medical apparatus.

98. On March 10, 2018, Piley sent a request to McArdle, informing McArdle that he was aware that HCU had been fabricating his medical records by documenting that Piley was seen (without evaluation) & that Piley appeared to be in no pain & had good posture. Piley explained to McArdle that his HCU consults are routinely brief (5-10 minutes), & that his pain complications are more severe than it is at other times, pending activities. Piley elaborated that he had actually demonstrated & shown McArdle painful cracking noises that was being caused by Piley moving his leg & feet in a common manner but that this was never noted in Piley's medical file along with other painful demonstrations that Piley had shown to McArdle & the PT physician, Krueger. Piley explained to McArdle that he can only report the complications that he experienced & what HCU did with that information was out of Piley's control. Piley then informed McArdle that he would not come to HCU & pretend the extent of his pain if it isn't present but that he did expect for his reported/demonstrated complications

to be noted in his medical file, just as the misleading fabricated notes are, of course, given McArdle's HBU's integrity to falsify Piley's medical record in the first place, documenting Piley's actual suffering at every instance was unlikely. Piley also expressed that he had no faith in HBU's desire nor ability to provide him adequate/effective care, given HBU's many off-site referrals due to HBU's inabilities, & then subsequent refusal of Specialist orders for care. While anyone being falsely accused of such a thing, or anything for that matter, would have objected to baseless allegations being leveled against them, especially in this instance, however, McArdle nor anyone else at HBU disputed Piley's allegations of McArdle & HBU personnel fabricating medical files/records. McArdle in fact simply responded to Piley's allegations, "you will be seen," in response to Piley pointing out a 2 month delayed consult.

99. On May 13, 2018, Piley sent McArdle another request providing the following: "I raised the fact that I had been scheduled to be seen by your office for longer/more than two months without being seen in order to reason with you why I have NO FAITH at all in not only your ability to provide me with adequate/effective care for the foot conditions that the Specialist (who you referred me to for evaluation, diagnosis & care) has diagnosed me with, but I also have NO FAITH in your desire to provide/mediate the necessary care in this specific instance. Further, I doubt that you/HBU would have ever scheduled me to be seen by HBU had I not revisited the denial/delay. I don't mean to be rude or disrespectful; however, this is an ongoing dire medical matter where I am in continuous chronic, debilitating pain; in large part due to you/HBU preventing the Specialist care, only to turn around & have me scheduled to see you/HBU again while I was referred off-site due

for care due to your HBU's inability to provide it. I ask; given your past referrals off-site, the off-site diagnoses & orders for care, & your HBU prevention of that care, what can/will your office provide me with in relation to adequate/effective care for my serious medical needs in this instance? I need yesterday, to receive the ordered care that was ordered by the "Specialists" that you referred me to due to your inability to provide care, & thus, due to the Specialist's specific knowledge & skill set to do so. I cannot make use of tactical, repetitive talk & exchanges that'll leave me suffering without the care that "your experts" ordered as optimal; viz., anything else is less than adequate or useless altogether". McArdle, again demonstrating her HBU's inability to provide care for Eiley's serious medical needs responded, "I will put in for second opinion. That must be OK'd by a committee. I will let you know." & "Again only shoes available from catalog are allowed per CDC policy". Furthermore, McArdle had overstepped her second opinion referrals as McArdle was in fact shopping around for a difference of opinion in an intentional manner, as McArdle had already sent Eiley to Jacobs 3 times, & to Dr. Eiley, & was now preparing to send Eiley out again.

100. Eiley would be informed that he would be next going to the University of Wisconsin - Madison (UWM) for his "second opinion", one of the leading premiere institutions for developing & practicing medicine. Eiley hoped that given UWM's medical prowess & credibility, that WSPF would honor whatever UWM's opinion was!

101. Agonizing in pain from his worsening conditions, Eiley

sent McArdle a request, hoping to be seen at UWM right away as opposed to another painful, prolonged delay. Eiken plead to McArdle, "I was sent off-site to the Specialist; diagnoses were made & treatment has been set in place for me to receive but this place is refusing the ordered care; what am I to do? I ask because my pain complication are too much. I am having continuous chronic pain from the both achilles, down to both heels; my feet are locking up (from underneath the center of my feet to the heels of my feet); & there's excruciating pain atop the right foot, especially in applying pressure on it. The Naproxen, braces, wraps, creams, etc., are simply not enough in this instance. 2) You cannot treat me anymore effective than the Specialist, what should I do?" Edger would respond, "New order received for second opinion, appointment is pending", leaving Eiken's concerns unaddressed & to be dealt with by UW-Madison.

102. Needing answers to his concerns, Eiken sent another request to McArdle detailing the same concerns from his last request. McArdle responded, "Recommendations from Specialists are just that - recommendations. The Doc has a shoe policy which applies to all inmates. I will recommend that you exercise to strengthen your feet/ankles; that you use the exercise ball for your feet; you may ice feet with order. Disturbed, Eiken could only shake his head in disbelief that he was at the mercy of such disregard from those who were responsible for his well-being. Where EDJ continuously evaluated Eiken & determined that Eiken's worsening conditions required specialist care, only to subsequently refuse the Specialists orders for care, left Eiken was defeated & left to suffer in chronic/severe pains while

trying to adjust to a mentally & emotionally taxing inactive lifestyle that Piley had endured for two years & one month thus far.

103. On June 14, 2015, Piley sent a request to McArkle inquiring: "1) You have ordered a second opinion at UW/M, what about the four previous Specialist visits that I've been to already? 2) Will ~~WISN~~/WISN honor UW/M's services/orders for care for my serious medical needs?" McArkle would tactically respond, "You asked for a second opinion (as though McArkle ~~WISN~~ wasn't shopping around for a difference of opinion, nor continuously sending Piley offsite for care only to refuse it & allow Piley to continue to suffer everyday), about your ongoing problems with your feet (lie #1). Any recommendations made by Specialist are received & fulfilled if allowed by DOC policy, formulary concerns, & security concerns (lie #2 as several inmates occupy the specific orders) for care that has been made for Piley to occupy as the optimal for of care).

104. Piley never request* a "second opinion"; in fact Piley questioned the need for any other opinion outside of the opinions that Piley had already received when he questioned McArkle, "what about the four previous Specialist visits that I've been to already?" The fact is evident that McArkle was shopping around for another expert to undermine & undo the previous experts opinion & orders.

105. In shopping ~~ab~~ around for an opinion to undermine & undo the diagnoses & ordered care that Piley was to receive, ~~WISN~~ sent Piley to UW-Madison, a premiere institution for developing & applying/practicing medicine in the

United States of America. This would be the 6th off-site visit with a Specialist where Piley would be evaluated, diagnosed & ordered care from three different experts (Dr. Jacobs, Dr. Piley & Dr. Smith at UWM; not including WSPF's Dr. Miller).

106. On July 11, 2018, Piley was received at UW-Madison where Piley was evaluated & treated by Podiatrist, Ms. Audra M.

Smith, DPM (Smith), who exchanged with Piley about his pains, his previous visits with Specialists, his subsequent mishandling by WSPF, & what medical treatment works best for Piley's conditions.

107. Smith provided, "On physical exam of his lower extremities, the integument is warm, dry & supple. There is ~~some~~ mild edema at the plantar medial arches bilaterally. He has got tenderness to palpation along the medial band of the plantar fascia, also at the insertion of the Achilles tendon bilaterally & along the posterior-tibial tendon course posterior to the medial malleolus. Negative Tinel sign of the tibial nerve. No pain with side-to-side compression of the calcaneus. He has got decreased ankle joint range of motion with knee extended. It is improved with the knee flexed. He does have decreased medial arches bilaterally. He has palpable pulses & good capillary refill time. Strength in the feet is 5 out of 5. He is able to perform a heel raise test, but there is a lot of pain, right greater than left, along the medial arch & Achilles on the right side," in determining that Piley had Plantar Fasciitis (bilateral), Achilles Tendonitis, posterior tibial tendonitis & bilateral foot pain. Smith also note, "Has progressed to Tendonitis as well"; viz. that Piley in fact had been suffering in chronic/severe pains while his conditions becoming continuously became worse.

in being denied adequate/effective care. Smith also determined that Piley had collapsed medial arches in both feet. Piley informed Smith that he was in pain that measured a 7 out of 10 rate but that the pains are regularly & spontaneously as aggressive as 10; viz., overwhelming & debilitating.

108. Smith's plan of care specified, "1) Please allow to wear personal athletic shoes at all times including off-site visits. 2) Allow him to order shoes from outside vendor (catalog) that are stability shoes & put his custom orthotics in them. 3) No Barefoot walking (which is essentially what Piley is compelled to do for the majority of his day in occupying sandals from the approved catalogs). 4) Footwear can exceed \$75 limit as needed. 5) Ice daily 2X a day, 10-15 minutes. 6) Naproxen 2X a day PRN pain. 7) If not improving may consider injection (steroidal) or MPJ (which is what Piley actually requested). 8) Once receive appropriate shoes & inserts then start physical therapy. 9) Stretch 3X a day, lunging fashion. Smith informed Piley that once he occupied his needed footwear that he would be able to rehab & return back to playing basketball on any surface; something Piley had not been able to do for more than one year at that point. In making these orders, Smith specifically warned HSI & placed them on direct NOTICE that, "Really, this is about proper support & until he gets the right shoes & inserts, this pain will not go away & it will continue to get worse. He is even complaining about shin & back pain now & knee pain just from the way he has been walking. Shawn inquired about imaging & I (Smith) discussed that typically I would not order an MPJ at this time as he has not been able to fully

utilize his conservative care, meaning he does not have the proper shoes & inserts yet. Smith did not evaluate Fikert beyond the above said diagnoses as Smith referenced Jones' Consult from 90 days earlier in relation to Smith's evaluation & diagnoses; & assured Fikert that the above said conditions were more than enough for Fikert to access/occupy his medical footwear. Smith further informed Fikert that longer delay & for denial of adequate effective care for Fikert's serious medical needs, carries significant risk of irreversible injury.

109. Fikert's UW-Madison visit was the 10th off-site Specialist visit subsequent to LaBelle's assertion that, "A recommendation from an off-site provider is not an ORDER that the DPC is obligated to follow", these off-site Specialist visits includes two visits concerning nerve (damage) testing on dates June 26, 2017 & August 28, 2017. Leaving one to question why would HBU & the SNC continuously designate Fikert off-site only to continuously refuse Fikert's ordered plan for care?

110. Upon returning back to WSPF with the umpteenth opinion, diagnoses & orders for care being aligned with all previous opinions, diagnoses & orders for care, Fikert was hopeful that he would now access/occupy his medical footwear & finally have relief from his chronic, debilitating pains. As HBU & the SNC (who approves/oversees all off-site referral(s)) were now on further NOTICE that Fikert's conditions in fact had worsened (to

Tendonitis) as Piley continuously grieved & complained to HBU, & that Piley's conditions would in fact continue to worsen if Piley remained without adequate/effective care, placing Piley at significant risk for irreversible injury.

III. However, where Piley was denied access to every single order for care that was made by Smith, with the exception to a klapoven pain medication prescription that Piley had already occupied in excess, HBU & the SNC made it clear as to why they continuously designated a suffering Piley off-site for care that they were aware that Piley needed, only to flat out refuse it to Piley later; it was because HBU & the SNC were in fact slapping around for a difference of opinion, as none of Piley's orders for care were provided to him; stating that HBU & the SNC would only take their previous actions of refusing Piley's care & allowing Piley to suffer while they continuously slapped around for a difference of opinion to justify their actions, but their deliberate indifference would never be justified by any of the experts that they slapped a suffering Piley around with.

112. In complaining against the denial of all orders made by Smith, HBU would admit their disregard for Piley's ordered ice restriction only to provide Piley with a 2x ice (pack) restriction for a couple of days.

113. However, not only did HBU refuse Smith's orders for care but they insisted on acting in direct opposition to Smith's orders where on July 31, 2018, Piley was seen by

USAF's PT physician, Krueger while Smith gave specific orders to: "Once appropriate shoes & inserts (are received by Piley), ~~then~~ start physical therapy". ~~Mr.~~ Piley was not with Krueger's superficial handling, only to conclude, "I'm sorry, I can't do nothing for you, nothing's working". Upon being evaluated, Piley grieved about chronic, debilitating pains in his achilles, the bottom of his feet, his right knee, hip, back & having debilitating muscle spasms that caused Piley's shins & the bottom of Piley's feet to lock up & reduce Piley to being on his back, immobilized for 10-15 minutes at each occurrence. These spasms would also wake Piley from sleep at times, & then occurred regularly & spontaneously. Piley told Krueger that her previous diagnoses of Piley having a strained I-T band had worsened to a disturbingly painful tightness going from the center of Piley's lower back & around through Piley's the right side of Piley's waistband & down to Piley's upper right hip, preventing Piley from being able to stand up straight, causing poor posture; thus, other back pains. Piley elaborated that if he rested his feet; sitting, laying, or standing, for approximately five minutes, that he would experience severe pains in the location of his feet that rested against hard (floor, etc.) or soft (mattresses, & suchlike) surfaces. Piley grieved about being unable to perform the "home exercise" PT regimen, daily prayers among other once routine activities. Piley grieved about the noticeable decrease in his muscle mass & gaining weight in being unable to perform his personal workout regimen along with basketball (which Piley had done since age 10, organized & recreationally). Krueger then responded to Piley's grieving - flat out: "I'm sorry, I can't do nothing for you, nothing's working". Piley then questioned, "How can I accept that, Ms. Krueger?" Krueger

shrugged her shoulders in response. Eiley returned to his housing unit with all that Krueger could offer for his serious medical needs — nothing (but the ~~chronic~~ chronic/severe, debilitating pains that Eiley continuously suffered from).

114. On July 14, 2018, just as Eiley had inquired to McArde/HSA as to whether or not they would honor UCU-Madison's orders for care prior to his visit with Smith, Eiley submitted another request to McArde questioning: "1) Had the second opinion, same diagnoses, same orders, can I now purchase the proper shoes from an outside vendor?" 2) "If not, why?" 3) "Your refusal to mediate this specific care, as you have with other orders made by Specialists, has left me without effective care & suffering in chronic pain; does that matter to you?" McArde responded, "Unfortunately not. As I have told you in the past, DOC policy does not allow the purchase of shoes from outside providers; your only option is to appeal to the Warden for exception of the rule.

115. On July 16, 2018, Eiley submitted another request to McArde questioning, "Wouldn't it be more appropriate & effective for you to appeal the denial of my ordered care to the Warden — given your knowledge & skillset & awareness that I need this specific care? Will you take action?" McArde responded to Eiley's request on July 17, 2018, informing Eiley, "As I have explained, the rule concerning the purchase of shoes from an outside vendor is a security rule, not an ABU rule; thus, only the Warden may waive a security rule.

116. McArdle demonstrated/showed that she/HSU had been lying & misleading Piley all along, claiming that, "the JNC does not allow inmates to purchase a medical apparatus in the form of Athletic Air Sole footwear from an outside vendor" before stating, "the rule is a security rule, not an HSU rule"; admitting to have allowed non-medical staff prevent Piley's care while security is severely unqualified to practice medicine in this matter; even medical personnel at HSU referred Piley to Specialists who were better equipped/trained to care for Piley's serious medical needs. Further, where McArdle documented her personal knowledge as to how Piley could access & occupy his ordered care, shows that McArdle/HSU were deliberately indifferent towards Piley's serious medical needs in NEVER referring Piley's order to occupy medical footwear to the JNC as they had done with the ~~medical~~ feed cell, TENS unit, extra pillow (etc.) requests, nor did they (HSU/McArdle) refer it to the Warden, where McArdle dismissed Piley's rationalization for her to do so. Instead McArdle told Piley to contact the Warden when it was appropriate, Piley would have contacted the Warden on May 15, 2016 when the matter gave rise, & bypassed HSU's duties.

117. Yet, on July 17, 2018, as instructed; desperate, Piley sent a request to Warden Boughton, requesting for Boughton to oversee Piley receiving his medical footwear. Piley provided Boughton with documented evidence of his serious medical needs, actual photos of Piley occupying his needed footwear in the JNC, & explained that McArdle/HSU had directed Piley to Boughton to access/occupy his medical footwear. However, Boughton ignored

Piley's plea & supporting evidence when Boughton sent Piley a Memo, informing Piley that he had referred the matter back to the HSU, the Department who had not only been refusing to provide/mediate Piley's care but the Department that referred Piley to Boughton in the first place, & even worse Boughton remanded the matter back to the person who verbalized that Piley had another thing coming; Waterman. Waterman shifted in responding, "All medical recommendations are dependent on approval of DOC Providers," while she previously dismissed Piley in claiming that ~~the HSU~~ (HSU) has nothing to do with issuing medical footwear. However, HSU's very own sole Provider, Miller prescribed; thus, approved for Piley to occupy Athletic Air Sole shoes & sandals, only to have Waterman fabricate those orders in assuring that Piley had another thing coming. Further, McArdle at one point instructed Piley to go ahead & purchase Air Sole footwear until Waterman "discussed" that Piley had another thing coming with McArdle. Given Waterman shifting, Piley should have accessed his medical footwear.

118. Even more disturbing was the fact that Boughton told Piley, "It is a concern to take up with property, not Health Services," while no property officers possessed any medical training, knowledge or skill set to oversee such matters. Boughton made this assertion though he was referring the matter back to HSU. Piley could only shake his head in disbelief of the Warden & HSU's hollow rubber-stamping tactics of deferring & denying Piley accessing his ordered care. In contacting the property officers, Piley was told that the decision for Piley occupying medical footwear

was up to HCU. Though Piley provided Boughton with documentation of a WDC order ordering/approving Piley's accessing medical footwear, showing that Piley should have done so, given Waterman's shift, once the matter was referred back to HCU; Piley still moved to provide the Security Director with supporting documentation in submitting the request to him, but to no avail.

119. On July 18, 2018, Piley executed grievance against the denial of his ordered care. This complaint was recommended to be REJECTED by the Examiner under the false presumption that the matter had previously been addressed while Piley ~~was~~ was now grieving against the refusal of UW-Madison's orders, not orders made by Gunderman. Boughton accepted the REJECTION of this complaint. Piley then filed another complaint against Boughton, alleging deliberate indifference in the mishandling of Piley's request to Boughton, but PA Warden ~~James~~ Cheger upheld the recommendation of dismissal of the complaint where Piley then appealed, to no avail.

120. On August 16, 2018, inmate Jackie Carter (Carter), who was housed on the same unit with Piley, & was aware of Piley's ongoing situation, provided Piley with a declaration. Carter's declaration provided that he along with many other patients/prisoners of the WDC were occupying a Medical Special Needs Authorization that allowed them to purchase athletic style tennis shoes from outside vendors such as Foot Locker, Foot Barn or the like. Carter elaborated on his experience & knowledge of WDC's habitual deliberate indifference towards its prisoners in refusing them access to their ordered/prescribed medical care,

where injunctions were requested, GRANTED & imposed against WSP's deliberate indifference.

121. Piley would encounter inmate George Taylor (Taylor) upon being received by Green Bay Correctional Institution (GBCI). Taylor also has Medical Special Needs Authorization to purchase & occupy shoes from an outside vendor in excess of \$75. Taylor volunteered to provide Piley with a declaration & a copy of his "Special Handling Summary" that entails: 1) Ice 2x per day for 20 minutes. 2) Wear personal shoes at all times. 3) Pt. may order shoes from outside vendor in excess of \$75, nearly identical to Smith's orders made for Piley. Taylor was allowed to utilize said restriction at his previous facility, but is now in the Courts, seeking mediation against GBCI's refusal to allow him to access & utilize this specific care, which is what Piley is being subjected to as well. Taylor's restriction is permanent, viz., until effective until date of release.

122. Piley would be transferred from WSP to Green Bay Correctional Institution (GBCI) on or around July 2, 2019, where up to point of transfer, Piley was confronted with HCU's/WSP's continuous refusal to allow Piley adequate/effective care for his serious medical needs, even after HCU's very own "second opinion" provided that HCU/WSP do otherwise & allow Piley to access his prescribed medical (footwear) apparatus. & just as Smith warned/placed the defendants on NOTICE (that until Piley gets the proper support, his conditions will continue to get worse), Piley continues to grapple with his exacerbating conditions that are mentally &

emotionally taxing, as they are physically overwhelming & debilitating to the point that they have immobilized & reduced Piley to selectively engaging in out-of-cell activities at best, which is usually medical & property issues that are very brief. Piley even has to be selective about when to mobilize for showers during this the dangerous/very risky pandemic. Piley's once daily (activity) routine has been reduced greatly due his chronic pains; most notably Piley is unable to perform his five obligatory daily prayers as a Muslim.

ADMINISTRATIVE EXHAUSTION

123. All administrative pre-suit requirements have been exhausted & the claims pled herein are properly before this Court.

CAUSES OF ACTION

124. Plaintiff Piley's right to seek redress for deprivation of his First, Eighth & Fourteenth Amendment rights is protected by the United States Constitution. The Defendants met this conduct with deliberate indifference, medical neglect & medical malpractice causing significant injury that may be permanent, harassment, humiliation & reprisal as described in the complaint, & violation of Due Process. All actions by the Defendants were entirely unrelated to any legitimate penological interest; thus violating Piley's Constitutional Rights.

125. Defendant Waterman verbalizing her intention to prevent Piley's prescribed medical footwear/apparatus, & then continuously acting on that intention, maliciously & sadistically, as

Waterman acted with the intent to continuously cause Piley injury/harm where Waterman was on NOTICE from the off-site experts; & Piley as well; that Piley had in fact been suffering chronic/severe, debilitating pain as he continuously grieved to HCU for more than two years. Waterman/HCU was also on NOTICE that Piley's conditions had exacerbated to Tendonitis, & that Piley's conditions would in fact continue to worsen if Piley was prevented further from accessing/occupying his prescribed medical supports. Waterman's malicious & sadistic deliberate indifference caused Piley significant injury that Piley has grappled with for four years, & very well may be permanent. Waterman (continuously) knowingly disregarded the significant risk for injury that she was aware that Piley was exposed to as she assured that Piley had another thing coming in place of his Specialist ordered care. Thus, subjecting Piley to cruel & unusual punishment unrelated to any legitimate penological interest, & violation of Piley's Eighth Amendment Rights enumerated under the United States Constitution. Waterman also targeted Piley with continuous deliberate indifference towards Piley's serious medical needs, in violation of Piley's Equal Protection Rights enumerated under the Fourteenth Amendment to the United States Constitution, as Waterman did not target other inmates & prevent their care while they were situated as Piley was & had sought medical services from HCU as well.

126. Waterman's "discussing" medical matters related to Piley accessing/occupy his care with her HCU staff & then instructing them to not make any orders for care related to

medical personnel (which amounted to insisting that no restrictions for medical be referred to the DNC for review & approval), created a "Top Down" approach that involved several (HSA) personnel to collectively participate in assuring that Piley had another thing coming, unrelated to any legitimate penological interest, subjecting Piley to continuous deliberate indifference that caused Piley significant injury that very well may be permanent, & in violation of Piley's Eighth & Fourteenth Amendment Rights afforded to Piley under the United States Constitution.

127. Where the keeping of medical records is a necessity, adequate & accurate records are essential & are of critical importance ... in any attempt to provide a continuity of medical care; absent, deficient, fabricated / distorted records create the possibility for disaster. Waterman's purposeful fabrication / distortion & destruction of Piley's medical file (orders) a direct violation of Piley's Eighth Amendment Rights afforded to Piley under the United States Constitution; & also in violation of Piley's Equal Protection Rights afforded to Piley by the United States Constitution.

128. Waterman's lying to the complaint examiner in relation to Piley's complaining against Waterman's continuous deliberate indifference, prevented Piley's redress in the matter, in violation of Piley's First Amendment Rights enumerated by the United States Constitution.

129. Waterman's casual, unjustified dissemination of Piley's confidential medical information to non-medical staff

& inmate ~~had~~ amounted to willful neglect that went unaddressed or corrected; & in violation of privacy laws governing health information. Waterman's actions violated Piley's Fourteenth Amendment Rights to Equal Protection under the law/as enumerated by the United States Constitution. Waterman did not disseminate the confidential medical information of other individual inmates who had been off site for Specialist care & had received orders. Piley cannot be singled out as Waterman had targeted Piley.

130. Waterman's involvement in the grossly prolonged & unnecessarily delayed/denial of Specialist Referrals that Piley was subjected to, was deliberate indifference towards Piley's serious medical needs, & was in violation of Piley's Eighth Amendment Rights afforded by the United States Constitution, & also in violation of Piley's Equal Protection Rights afforded by the Fourteenth Amendment to the United States Constitution.

131. Waterman's involvement in the denial of Piley's TENS unit & any other care described in this complaint, was done maliciously & sadistically with the intent to cause harm/injury to Piley, in violation of Piley's Eighth Amendment Rights afforded by the United States Constitution, & in violation of Piley's Rights to Equal Protection afforded by the Fourteenth Amendment to the United States Constitution.

132. Defendant McArdles continuous Specialist referrals in shopping around for a difference of opinion to under-

more & undo previous Specialist orders set in place for Piley to occupy medical footwear, only to continuously refuse Piley access to the care, amounts to deliberate indifference towards Piley's serious medical needs, as Piley suffered significant injury that may be permanent as a result of McArdle's actions. McArdle's actions were also done with the intent to cause Piley harm/injury as McArdle was not only on NOTICE (of the risk that Piley was exposed to in being left untreated) from the off-site Specialist & Piley but McArdle in fact documented Piley's exacerbating chronic/severe & debilitating injuries that Piley continuously grieved against.

133. McArdle's persistence in ineffective care as described in this complaint, & in place of the care that McArdle knew to be optimal for Piley's treatment, amounts to medical neglect & deliberate indifference towards Piley's serious medical needs. McArdle, knowing the risk of injury that Piley was exposed to in occupying inadequate & useless care, persisted in such care maliciously & sadistically with the intent to cause an already grieving Piley irreversible harm.

134. McArdle's deliberately indifferent actions of falsifying Piley's Medical records as described in this complaint, was in violation of Piley's Eighth Amendment Rights afforded to Piley by the United States Constitution.

135. Defendant Boughton's refusal to take the appropriate & necessary action to allow Piley to access/occupy his much needed care, amounted to Boughton

turning a blind-eye countless times to Piley's prolonged suffering & significant risk for suffering irreparable injury; in violation of Piley's Eighth Amendment rights enumerated under the United States Constitution.

136. Defendant Miller's sexual assault against Piley was repugnant to the human conscience; that an entrusted medical provider took on sexual predatorial misconduct in using his profession/position for other than its intended purposes as opposed to caring for a suffering Piley, & in violation of Piley's Fourth Amendment right to be secure within his person; in violation of Piley's Eighth Amendment right, as Miller was aware that Piley objected to his initial inappropriate comments on Piley's muscular physique; thus, Miller was malicious & sadistic in intending to cause Piley mental & emotional harm in groping Piley without Piley's consent. Miller's sexual assault was also done in violation of Piley's First Amendment rights to guard his modesty as a Muslim. Miller's sexual assault also violated Piley's Equal Protection rights afforded by the Fourteenth Amendment; all afforded by the United States Constitution. Miller violated prohibition of sexual contact between prison employee & prisoners (Zero Tolerance Policy/Laws).

137. Defendant LaPelle continuously refused to take action in the complaint process to correct obvious violations that the Defendants had carried out against Piley's Constitutional rights. LaPelle continuously turned a blind-eye in dismissing or rejecting every complaint that was handle as such in this complaint. Thus, violating Piley's First Amendment rights to seek

redress through the ICPS, & also in violation of Piley's Eighth Amendment Rights afforded by the United States Constitution, as LaBelle's actions allowed Piley to suffer significant injury that may be permanent.

138. Defendant Abum continuously refused to take the necessary action in the complaint process, to correct obvious Constitutional violations made by TSA & AOPF officials. Abum continuously turned a blind-eye to Piley's suffering, in dismissing or rejecting every complaint that was handled as such. Thus, violating Piley's First Amendment right to seek redress through the ICPS, & also in violation of Piley's Eighth Amendment rights afforded by the United States Constitution, as Abum's actions allowed Piley to suffer significant injury that may be permanent.

139. Defendant Brown essentially undermined & prevented Piley seeking redress in the matter at the Administrative level as this complaint examiner continuously refuted Piley's complaints with hollow formalities in initiating the rubber stamping assembly line that the ICPS defendants reduced the complaint process to. The examiner continuously met with the defendant perpetrators & relied on their self-serving protective accounts of the Constitutional violations that Piley grieved against, while the examiner turned a blind-eye to Piley's actual exhibited evidence that supported Piley's complaints, & to Piley's suffering/injury(ies) & risks for permanent injuries. Brown's turning a blind-eye violated Piley's First

Amendment right to seek redress at the Administrative level, as protected by the United States Constitution, & also violated Piley's Eighth Amendment rights afforded by the United States Constitution. Brown's actions also violated Piley's Due Process rights afforded by the Fourteenth Amendment to the United States Constitution.

40. Defendant Payne essentially undermined & prevented Piley's redress at the Administrative level as this complaint examiner continuously refuted Piley's complaints with hollow formality & in initiating the rubber-stamping assembly line that the JETPS defendants reduced the complaint process to. The examiner continuously met with the defendant perpetrators & relied on their self-serving protective accounts of the Constitutional violations that Piley grieved against, while the examiner turned a blind-eye to Piley's factual exhibited evidence that supported Piley's complaints, & to Piley's suffering/injury(ies) & risks for permanent injuries. Payne's turning a blind-eye violated Piley's first Amendment right to seek redress at the Administrative level, as protected by the United States Constitution, & also in violation of Piley's Eighth Amendment rights protected under the United States Constitution. Payne's actions also violated Piley's Due Process rights enumerated under the Fourteenth Amendment to the United States Constitution.

41. Defendant Jaeger declined to take the necessary & appropriate action in turning a blind-eye to Piley's Constitutional deprivations, in violation of

Piley's First Amendment Rights to seek redress at the Administrative level, in violation of Piley's Eighth Amendment Rights & against Piley's Due Process Rights enumerated under the Fourteenth Amendment; all to the United States Constitution.

142. Defendant Broadbent's cover up of defendant Miller's sexual assault against Piley constituted violation of Piley's First Amendment Rights to seek redress at the Administrative level; violations of Piley's Eighth Amendment Rights where Piley suffered mental & emotional distress from the assault & subsequent cover up, that amounted to cruel & unusual punishment that Piley was ~~retaliated~~ targeted with & retaliated against as a result of having complained against Constitutional violations. Broadbent's action also violated Piley's Due Process Rights enumerated under the Fourteenth Amendment to the United States Constitution.

Broadbent's failure to meaningfully investigate Piley's complaint against Miller's sexual assault also exposed Piley at risk to be victimized by Miller in the future as Miller was a JOPF's sole provider, & was directly responsible for Piley's well-being in relation to care that was needed for Piley's serious medical needs.

143. The defendant Special Needs Committee members approved & facilitated each one of Piley's off-site Specialist visits & turned a blind-eye to Piley being shopped around (while suffering significant injuries) in an attempt to justify the deliberate indifference; thus, to allow Piley to likely suffer permanent injury. It is evident that

the ONC possessed all relevant/available information (for review) that justified Eiley's occupancy his prescribed footwear at his first or second Specialist visit. Where Dr. Waxman is a member of the ONC, it is clear where the Constitutional deprivations/violations initiated from within the Committee. The ONC violated Eiley's Eighth Amendment Rights to the United States Constitution as they continuously turned a blind-eye to Eiley's suffering in designating Eiley off-site on eight occasions while overlooking the Specialists orders for care for more than two years.

144. All defendants responsible for never referring Eiley's Specialist orders to occupy Athletic Air Oak medical footwear, to the Special Needs Committee, did so maliciously & sadistically to cause Eiley injury/harm in preventing Eiley's much needed care, as there was no medical disagreement with Specialist recommendations. These actions caused Eiley significant injury that may be permanent, & violated Eiley's Eighth Amendment Rights to the United States Constitution.

145. All defendants responsible for the denial of or for the unnecessary delay of Eiley's Specialist visits & any other care, caused Eiley injury that may be permanent. These defendants also sat idly in turning a blind-eye to Eiley's suffering in being denied care or having his care delayed in excess, in violation of Eiley's Eighth Amendment Rights to the United States Constitution.

146. All defendants responsible for subjecting Eiley to the unnecessary prolonged pain that Eiley has endured for more than four years due to denial of care or due to the excessive unnecessary delay of care in the past; caused Eiley significant harm that may be permanent. These actions violated Eiley's Eighth Amendment rights to the United States Constitution.

JURY TRIAL DEMAND

147. Plaintiff Eiley hereby demands a trial by jury in accordance with the Seventh Amendment to the United States Constitution, & Federal Rules of Civil Procedure, Rule 38, et seq..

RELIEF REQUESTED

148. A ~~Speculatory~~ Declaratory Judgement, declaring that the acts & omissions described within this complaint have violated Plaintiff Eiley's rights under the Constitution & laws of the United States.

149. Award compensatory damages in the following amounts:

a) \$750,000.00 from defendant Waterman, for each cause of action, separately in both her individual & official capacities;

b) \$750,000.00 from defendant NP, McArdle, for each cause of action, separately in both her individual & official capacities;

c) \$100,000.00 from defendant Doughton, for each cause of action, separately in both his individual & official capacities;

d) \$500,000.00 from defendant Dr. Miller, for each cause of action, separately in both his individual & official capacities;

e) \$100,000.00 from defendant LaBelk, for each cause of action, separately in both her individual & official capacities;

f) \$100,000.00 from defendant Alsum, for each cause of action, separately in both her individual & official capacities;

g) \$100,000.00 from defendant Brown, for each cause of action, separately in both his individual & official capacities;

h) \$100,000.00 from defendant Payne, for each cause of action, separately in both his/her individual & official capacities;

i) \$50,000.00 from defendant Ueher, for each cause of action, separately in his/her individual & official capacities;

j) \$250,000.00 from defendant Broadbent, for each cause of action, separately in his individual & official capacities;

k) \$300,000.00 from defendant Special Needs Committee, for each cause of action, separately in ~~the~~^{its} individual & official capacities;

150. Award punitive damages in the following amounts:

a) *250,000.00 from defendant Waterman, for each cause of action, separately in both his individual & official capacities;

b) *200,000.00 from defendant USiddle, for each cause of action, separately in both his individual & official capacities;

c) *25,000.00 from defendant Poughton, for each cause of action, separately in both his individual & official capacities;

d) *200,000.00 from defendant Miller, for each cause of action, separately in both his individual & official capacities;

e) *50,000.00 from defendant LaBelle, for each cause of action, separately in both his individual & official capacities;

f) *50,000.00 from defendant Alsum, for each cause of action, separately in both her individual & official capacities;

g) *25,000.00 from defendant Brown, for each cause of action, separately in both his individual & official capacities;

h) *25,000.00 from defendant Parage, for each cause of action, separately in both his/her individual & official capacities;

i) *25,000.00 from defendant Jaeger, for each cause of action, separately in both his/her individual & official capacities;

j) *75,000.00 from defendant Broadbent, for each cause of action separately in both his individual & official capacities;

k) *100,000.00 from defendant Special Needs Committee,

for each cause of action, separately in both its individual & official capacities.

151. Issue & grant any & all further relief which this Honorable Court deems just, proper, & equitable.

VERIFICATION

I have read the foregoing Complaint & hereby verify that the matters alleged herein are true & correct, except as to matters alleged upon information & belief, & as to those, I believe them to be true. I further & hereby certify under penalty of perjury that the foregoing is true & correct.

Respectfully executed this 12th day of August, 2020.

Pro se, /s/

Shawn Filer - (263944)

Green Bay Correctional Inst.

Post Office Box 19033

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